

# **TESTIMONY IN SUPPORT OF SB 331 by ANNE CAUMAN.pdf**

Uploaded by: Cauman, Anne

Position: FAV

TESTIMONY IN SUPPORT OF SB 331 BY ANNE CAUMAN SUBMITTED TO THE SENATE JUDICIAL  
PROCEEDINGS COMMITTEE, JANUARY 26, 2021

My name is Anne Cauman. As a birthmother and lawyer, I urge you to enact SB 331, Adoption – Access to Birth and Adoption Records and Search, Contact, and Reunion Services.

There has been a growing consensus in recent years that, in most instances, open adoptions have benefits for all parties. (According to the New York Times, <https://www.nytimes.com/2019/08/07/nyregion/adoption-laws-new-york.html> , a 2012 report by the Evan B. Donaldson Adoption Institute showed that approximately 95% of all recent infant adoptions were open.) Concomitantly, there has been increasing recognition that parties to older closed adoptions benefit from having information not previously available to them. The obvious case is adopted adults' entitlement to their original birth certificates. CHILD WELFARE LEAGUE OF AMERICA, CWLA STANDARDS OF EXCELLENCE FOR ADOPTION SERVICES 87 (2000) states:

“The interests of adopted adults in having information about their origins have come to be recognized as having critical psychological importance as well as importance in understanding their health and genetic status. Because such information is essential to adopted adults' identity and health needs, the agency should promote policies that provide adopted adults with direct access to identifying information.”

Other organizations which support such access include the North American Council on Adoptable Children (NACAC) and the National Association of Social Workers (NASW). Elizabeth J. Samuels, Surrender and Subordination: Birth Mothers and Adoption Law Reform, 20 MICH. J. GENDER & L. 33, text at pages 63-64 and footnotes 133-135 (2013), <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1030&context=mjgl>

Knowledge of your origins is part of one's identity, but it goes beyond that for all of us – adoptees, birthparents, and adoptive parents. We are all entitled to truth and knowledge in our lives.

When I relinquished my son, I lost more than my child. I lost a piece of myself. I both experienced it as feeling that I had a huge hole in my chest (this persisted for several years) and in becoming a different person. I believe that most, if not all, birthparents lose a piece of themselves when they relinquish and that this is especially true for the many birthparents, mainly birthmothers, whose surrenders were coerced, as was common in the mid, and even late, 20<sup>th</sup> century. Obtaining our children's birth certificates, both original (which very few birthparents received although they were entitled to them) and amended, is part of reclaiming our identity. It confirms our status and a connection.

Please do the right thing and provide all parties to adoption with access to information central to our lives. Please pass this bill.

Thank you.

/s/Anne Cauman  
4405 38<sup>th</sup> Street, NW  
Washington, DC 20016  
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202-363-3903

## **SB-331 Testimony.pdf**

Uploaded by: DIEPENBROCK, THOMAS

Position: FAV

To Whom It May Concern:

I am an adoptee born in Cheverly, Maryland in 1969. As such, I fall in the gap that SB 331 is intended to cover and that is why I am writing to you today.

I have always known that I was an adoptee; like almost all adoptees, questions like “who are my parents?”, “what nationality am I?”, “do I have brothers or sisters?”, “is my original family ok?”, and even “what was my name when I was born?”, and many others, were constantly in my mind as I grew up—questions with no answers. The lack of knowledge of these fundamental aspects about ourselves leaves a massive hole in the adoptee’s life experience, one which non-adoptees are fortunate to never experience.

In the mid 1990’s I attempted a search for my birth family. The process was expensive and filled with bureaucracy, and, faced with such challenges at a relatively young age, I quickly and sadly gave up. I tried again in 2010. Armed with better support and life skills, I was able to navigate the process with more success; I found my birth family, including my mother, father, three sisters, two aunts, and several cousins, all of whom were incredibly glad I found them. I am extremely fortunate and grateful to have a happy ending to my search.

However, the process of finding my family highlighted severe problems with Maryland’s current law that SB-331 addresses:

- At the time Maryland’s birth records were sealed, the prevailing school of thought said that infants were a “blank slate”, and that being raised by a different family would cause no ill effects on an infant. Since then this theory has been almost totally discredited. Research has shown that the process of adoption causes severe trauma to an infant; infants suffer severe psychological distress when taken from their mothers that is almost never addressed, and it often leads to significant mental health issues later in life. Finding their birth family can heal those wounds, which is my experience. Current Maryland law addresses this for those born before 1947 and after 2000, but needlessly and unfairly discriminates against those born in between those years. We deserve the same treatment as those born outside of this range of years.
- To find my birth family, I had to obtain a court order to have my records unsealed. Even then, I was prohibited by Maryland law from seeing them—they were sent to the original adoption agency, which is affiliated with a religion I no longer am a member of. I met with a social worker from that agency which dangled tantalizing non-identifying information to me, and then stated that for a “modest” donation of \$500 they would perform a search for my birth family. No donation, no search; the records would be re-sealed. I was fortunate enough to be able to afford the “donation”; many others are not. Once again, Maryland law needlessly and unfairly discriminates against those adoptees born between 1947 and 2000 by requiring them to go through a maze of bureaucracy and unfair financial burdens to obtain information that is freely available to non-adoptees and adoptees born those born outside of those years.
- Non-adoptees always know where they come from, who their ancestors are, what their genetic history is, what their name has always been. When I met with the social worker

from the adoption agency, she told me that I had a different name at birth. When I asked her what it was, she calmly refused to tell me, saying that it was against state law for her to do so. I was dumbfounded. At the time I was unable to process the fact that my status as an adoptee born between 1947 and 2000 allowed some social worker to know my name, but prohibited me from the same information. This is not only unfair, it is cruel.

- SB-331 allows Maryland's administrative processes to be streamlined because there will be only one standard applied to anyone seeking their original birth certificates. This will speed the servicing of these requests as well as likely reducing costs.

It is astonishing to me that a law like Maryland's current adoption law ever existed, and even more astonishing that it exists today in a form that not only discriminates against adoptees for being adoptees but also discriminates against adoptees based on the year of their birth. It should be every human being's right to know their history, where they come from, what their culture is, and even what their name is, regardless of choices their original parents made or the year of their birth. This is a common-sense change with broad bipartisan support. Please pass SB-331.

Thank you,

Thomas Diepenbrock  
9862 Solitary Place  
Bristow, VA 20136  
703-980-1248

# **Maryland Senate Com testimony final.pdf**

Uploaded by: Greiner, Marley

Position: FAV



**PO Box 4607  
New Windsor, New York 12553-7845  
bastards.org 614-795-6819 @BastardsUnite**

**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.

# **2021-md-sb0331-testimony-hodgson-txarc.pdf**

Uploaded by: Hodgson, Shawna

Position: FAV



January 22, 2021

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Chairman Smith and Members of the Committee:

The Texas Adoptee Rights Coalition represents a successful state-wide coalition that has brought organizations together to work on a single issue. TXARC and its member organizations commit in writing “to restore the right of all Texas adult adoptees to obtain their original birth certificates, without discriminatory conditions or restrictions.” That is bottom-line equality, and it means equality for all adoptees. Thus, discriminatory provisions that alter an original birth certificate or withhold it from adults has no place in our work.

On behalf of the Texas Adoptee Rights Coalition and its members and thousands of individual supporters in Texas and across the country, we request that you recommend passage of SB0331, Senator Susan Lee’s bill that restores equality for all Maryland-born adoptees.

I was born and adopted in the early 1970’s and endured a ten year battle with the courts and the adoption agency for information *about my own birth* and adoption. It was the most dehumanizing experience of my life, yet it is common for nearly all adopted people, including those born in Maryland. I’m a mother of four, a wife, and co-owner of a successful business. I’ve put three children through college, I vote, and I pay taxes. Yet I’m prohibited from obtaining a copy of my own true record of birth, just as most Maryland adoptees are. I cannot think of anything more infantilizing than the state treating me and thousands of other adopted people like perpetual children who cannot handle their own information. We are adults, and we demand that we be treated as adults and equal to all others as adults.

**Texas Adoptee Rights Coalition · Texas-Based, Texas-Driven, Texas-Led**

txarc.org · advocates@txarc.org · (832) 627-4294

I implore you to vote SB0331 favorably out of Committee and once and for all, right a historic wrong and restore dignity to all Maryland adoptees. Adopted people deserve the same rights to know their origins to possess their own vital records, just like all other non-adopted residents of Maryland.

Best regards,

**TEXAS ADOPTEE RIGHTS COALITION**

Shawna Hodgson  
Spokesperson

## **Frequently asked questions (1) 2020-02-18 at 8.47.**

Uploaded by: Klappenberger, Peggy

Position: FAV

## Frequently Asked Questions

<b>What if the parents don't want contact?</b>	Biological parents have the option to file a contact preference form, which will be attached to the OBC. However, just 3% of biological parents in states with similar OBC policies prefer not to be contacted.
<b>Weren't the Biological mothers guaranteed confidentiality?</b>	Most birth mothers were coerced and were not legally guaranteed lifelong anonymity. When laws in states that have restored access have been challenged, courts have found neither statutory guarantees, nor constitutional right to anonymity. The popular use of connecting with family through DNA testing, such as 23 and Me, makes it nearly impossible to guarantee confidentiality.
<b>Won't this cause abortion rates to increase?</b>	Findings that support the concept of openness and the acknowledgement of the negative consequences that secrecy can inflict on the relationships within the families has led agencies to improve practices by providing more knowledge about their original information. Only 5% of adoptions are closed. States with OBC access or similar legislation, saw decreases or no change in abortion rates.
<b>Why at age 18?</b>	Maryland's age of majority is 18 years of age. You can vote and join the military at the age of 18.
<b>If you already have identifying information, why do you need your OBC?</b>	An OBC is a government-issued record of birth, independent of adoption. It is a vital record used as proof of identity and ancestry, for obtaining a passport, Real ID, or acceptance into heritage societies. It's a vital record. It holds our truth.

## Why We Need Change

<b>Second class citizens</b>	Every non-adopted person can obtain their certificate. Existing OBC policies discriminate against adopted people.
<b>Bipartisan</b>	This issue touches every race, religion, gender, age and class in every Maryland city and county.
<b>1 in 4 people are connected to adoption</b>	You probably know someone who is impacted by adoption.
<b>Family medical/mental history</b>	Many federal public health agencies recognize the importance that genetic data and knowledge of family medical history have the potential to aid in providing preventative care and services such as cancer screenings or diagnosing thousands of hereditary medical and mental issues.
<b>Right to accurate record</b>	It is a moral right to know the truth about our personal information. A birth certificate is a government issued record used as proof of identity and ancestry. As U.S. citizens, we are all entitled to our personal information.
<b>Loss of identity</b>	Denying an adopted person access to their truth defies the basic legal standard in adoption, which is to ensure the best interest of the child. Not knowing who you are can make adoptees feel isolated and ostracized.
<b>Loss of Heritage</b>	Adoptees are unable to apply for membership to organizations such as Daughters of the Revolution or Native American groups because they do not have access to their original birth certificate.
<b>Right to privacy, no anonymity</b>	Most birth mothers were coerced and were not legally guaranteed lifelong anonymity. When laws in states that have restored access have been challenged, courts have found neither statutory guarantees of nor constitutional right to anonymity.
<b>Birth mothers want to be found</b>	Less than 3% of birth parents in the states with open access requested no contact. This tells us that most birth parents want to be found; they want to, at the very least, know their child is alive and OK.
<b>Access to OBC is more private.</b>	Connecting initially through social media or DNA tests is neither discrete nor tactful. Granting access will allow direct contact on a very sensitive and private matter.

# **Governor's Commission Adoption.pdf**

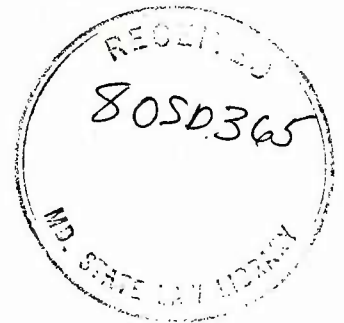
Uploaded by: Klappenberger, Peggy

Position: FAV



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**REPORT  
OF THE  
GOVERNOR'S COMMISSION  
TO STUDY  
THE ADOPTION LAWS**



**Gordon S. Livingston, M.D.  
Chairman**

**January, 1980**

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REPORT OF  
THE GOVERNOR'S COMMISSION  
TO STUDY  
THE ADOPTION LAWS

I. MEMBERSHIP

Appointed by the Governor

Gordon S. Livingston, M.D.  
Chairman

Child Psychiatrist,  
Adoptee, adoptive parent

Joseph T. Crymes, Ph.D.

Associate Professor,  
University of Maryland  
School of Social Work,  
Adoptive parent

Jean V. Goldenberg

Birthmother

Honorable James H. Taylor

Judge, Seventh Judicial  
Circuit

Michael P. Bentzen, Esq.

Former President, Barker  
Foundation; Attorney,  
Adoptive parent

Richard F. Pecora, Esq.

Chief Attorney, Domestic  
Law Unit of the Legal Aid  
Bureau, Inc.

Anne S. Davis

Executive Director,  
Florence Crittenden Home

Nancy Scull

Adoptive parent

Valerie Watts James, Esq.

Attorney

Appointed by the President of the Senate

Honorable Victor L. Crawford

20th District, Montgomery  
County, Senate Budget and  
Taxation Committee, adoptive  
parent

Honorable Clarence M. Mitchell, III

38th District, Baltimore  
City, Senate Judicial Pro-  
ceedings Committee

Honorable Jerome F. Connell, Sr.

31st District, Anne Arundel  
County, Vice-Chairman,  
Senate Judicial Proceedings  
Committee

Appointed by the Speaker of the House

Honorable Jerry Hyatt

15th District, Montgomery  
County, House Judiciary  
Committee

Honorable Anne S. Perkins

39th District, Baltimore  
City, House Judiciary  
Committee

Honorable Anne E. Baker

14th District, Howard  
County and Montgomery  
County, House Constitu-  
tional and Administrative  
Law Committee, Adoptee

Commission Counsel

Claudine W. Allen, Esq.

State Department of  
Legislative Reference

## II. PROCEDURES

This Commission was created by Senate Joint Resolution 42 in response to the controversy in previous sessions which had surrounded the introduction of legislation to open sealed adoption records to adult adoptees.

The approach the Commission took to its work was as follows:

1. Although it is clear that there are other issues of adoption reform that require further study, a unanimous decision was made to limit the Commission's purview to the "sealed records" question.
2. Articles comprising the background literature of research and opinion on this subject were reproduced and circulated to the Commission members.
3. An effort was made to publicize the objectives of the Commission and to contact all parties who had expressed an interest in or had previously testified on these matters. A public hearing was held and testimony was received from twenty-seven citizens representing themselves as well as various organizations and agencies. (see Appendix)
4. Questionnaires were sent to all public and private adoption agencies in Maryland soliciting their experience and opinions on the subject. (see Appendix)
5. Similar inquiries were sent to the Departments of Public Welfare of all fifty states.

6. A survey of the Maryland Circuit Courts was undertaken to determine their experience with this issue.
7. The Commission deliberated at length in reaching its recommendations.

### III. BACKGROUND

The institution of adoption has been the traditional means of providing permanent homes for children whose biological parents were unable or unwilling to care for them. Legal regulation of adoption in this country dates to the mid-nineteenth century; there was no precedent in English Common Law.<sup>1</sup> It is only since the 1940's, however, that the records of adoption proceedings have been "sealed" by the law and inaccessible except by court order.<sup>2</sup> In 1945, a nine member Commission To Study Revision of Adoption Laws of the State of Maryland was appointed by the Governor pursuant to a resolution passed by the House of Delegates. Over nine months the Commission wrote a comprehensive licensing and adoption statute which became Senate Bill 7, was passed by the Legislature, and became law on June 1, 1947. Section 85S specified that:

"Records and papers in adoption proceedings, from and after the filing of the petition shall be sealed and opened to inspection only upon an order of the Court; provided, that in any proceeding in which there has been an entry of a final decree before June 1st, 1947, and in which the records have not already been sealed, the records and papers shall be sealed on motion of one of the parties to the proceeding." <sup>3</sup>

While no supportive testimony or research accompanied the 1947 report, the decision to seal the records was apparently taken by the Legislature for several reasons:

1. To remove from the child the stigma of "illegitimacy" by issuing a new birth certificate which made it appear that the child had, in fact, been born to the adoptive parents.
2. To protect the adoptive family from unwarranted interference from a birth-parent.
3. To provide all parties with a new beginning. In particular it was felt to be in the best interest of the (usually unwed) birthmothers to conceal all record of this event.<sup>4</sup>
4. To create within the adoptive home a situation as similar as possible to that which would have obtained had the adopted child been born into that family. This was in accord with social work thinking at the time which, among other things, attempted to "match" children as closely as possible to the adoptive parents.<sup>5</sup>

5. To prevent unauthorized public access  
to the records.<sup>6</sup>

There have been drastic changes in societal attitudes, social work theory, and adoption practice in the 32 years since the records were sealed in this state.

The most significant change is in the dramatic decrease in the number of infants available for adoption.<sup>7</sup> This situation is the result of the increased availability of contraception and abortion, as well as the diminished societal stigma attaching to mothers of children born out of wedlock; many of these mothers now elect to keep and raise their children. Agencies, therefore, are faced with long waiting lists of potential adoptive parents. The children now available are generally older, handicapped or otherwise "hard to place". In the case of an older child sealed records obviously provide no confidentiality since the child is aware of who his parents have been.

Another change affecting both public and professional opinion has been a growing awareness of the importance of people's connections to the past-- their "roots". This issue has been articulated most persistently by adult adoptees who have, in increasing numbers, been asserting a desire to know information about themselves, heretofore kept secret by the sealed records adoption practice. Often, this felt need has been translated into searches for birth-parents on the part of adoptees, who have been successful in



a surprisingly large proportion of these quests in spite of minimal help from agencies and most courts.<sup>8</sup> Some of these reunions have generated considerable publicity, stimulating interest among other adoptees who have formed organizations to assist in searches and lobby for removal of legal restrictions to access to birth records. Efforts to assert a constitutional right to this information have met with little success in the courts so that state legislatures have become the arenas in which the matter is raised with increasing urgency<sup>9</sup>.

Reservations concerning the opening of adoption records seem to come primarily from two sources, adoptive parents and social agencies, with a great diversity of opinion within these groups. The major arguments raised in support of the sealed records practice are that:

1. There exists the potential for an unwanted and potentially destructive intrusion into the life of the birthmother who was promised perpetual anonymity at the time she relinquished her child.
2. There is a fear of a damaging effect on the institution of adoption brought about by a reluctance of birthmothers to give up their children who might seek them out and embarrass them years later.

3. There is a strong feeling on the part of many agencies that the integrity and confidentiality of their records is at stake as is the commitment to birthmothers to keep their identities forever secret.
4. Some adoptive parents have felt that they would be only "long-term foster parents" whose children, on reaching adulthood, would transfer allegiance to their birthparents.
5. There exists the possibility that the putative father may have been misidentified on the official record.

#### IV. NEEDS, RIGHTS AND FEARS

The Commission considered these arguments and tried to examine the situation from the point of view of each of the parties to adoption in the light of current experience and research.

##### A. The Adult Adoptee

There was no sentiment on the Commission for the release to minor adopted children of identifying information regarding biological parents. The protection of the adoptive family from potential intrusion from birthparents was felt to be sound practice and consistent with the effort

to provide a stable family environment for each adopted child during his or her formative years.

The situation changes drastically with the adopted person's attainment of adulthood. It is at this point that adoptees are asserting their "right to know". Whether the desire of some adult adoptees to have more information concerning their biological backgrounds constitutes a "right" in the legal sense has been the subject of considerable disagreement.<sup>10</sup> The argument in favor of such a position hinges on a belief that it is unjust and discriminatory to deny adoptees access to basic information about themselves: their nationalities, their family medical histories, the physical, intellectual, and emotional characteristics of their forebears, the circumstances of their birth, in short, all those facts about oneself that constitute one's biological heritage, and which represent significant components of one's self-concept or "identity". The bulk of the current psychiatric literature affirms the legitimacy of the need to know this information.<sup>11</sup> Some courts have also supported this view. In opening the records of an adult adoptee, Judge Wade S. Weatherford, Jr., of the Seventh Judicial Circuit of South Carolina said:

"A law that imposes secrecy forfeits the truth and in a free society must always have an unfavored status....

Children who are adopted belong to a special class. They are entitled to equal treatment under the law, including the pursuit of truth as to heritage, history or whatever.... The Court has carefully considered this case. It finds that the emotional distress, anxiety and the earnest desire for the truth constitute good cause under the Statute. Petitioner is now of legal age and fully vested with the Constitutional rights of a citizen of the United States....

To deprive him of the truth will be to sentence his life to a period of darkness, and it is doubtful that the law has the prerogative to do this under the circumstances of this case.

The law must be consonant with life. It cannot and should not ignore broad historical currents of history. Mankind is possessed of no greater urge than to try to understand the age-old questions: "Who am I?" "Why am I?" Even now the sands and ashes of continents are being sifted to find where we made our first step as man. Religions of mankind often include ancestor worship in one way or another. For many the future is blind without a sight of the past. Those emotions and anxieties that generate our thirst to know the past are not superficial and whimsical. They are real and they are "good cause" under the law of man and God."<sup>12</sup>

In theory it would seem that the knowledge sought might be available from agency files and could be provided in a non-identifying way. In fact this may or may not be true. Agencies vary widely in the completeness of their information collection systems as well as their willingness to

disclose what they do have. These files are 20, 30, 40 or more years old and, in the absence of continued contact with the biological parent, even basic medical data are outdated. In addition, some biological mothers have reported giving false or distorted information to the agency, for example, exaggerating the background of the biological father in the belief that this would result in a better placement for their child. All of these factors render agency records an unreliable source of the information sought. The basic position advanced by adult adoptees, then, is that they are being unfairly discriminated against by being the only group in society which is by law denied access to their geneology. While experience in those countries in which adoption records are open to inspection suggests that only a small minority of adopted adults chooses to search, those who do so express a very powerful need to know more about themselves<sup>13</sup>.

Rather than become embroiled in a legal argument over whether this need constitutes a "right", the Commission prefers simply to acknowledge the existence and legitimacy of a deeply felt desire on the part of some adoptees to have knowledge of their biological heritage.

Even though the age of legal adulthood in this state is 18 years, it is the feeling of the Commission that 21 should be established as the age of sufficient maturity to undertake

the decisions implied in the proposed legislation. This distinction has precedent in other areas of Maryland law and is congruent with age of majority at the time most of the adoptions in question occurred<sup>14</sup>.

B. The Birthparent

Although many have presumed to speak for them, birthparents have traditionally been a silent group - for obvious reasons. In recent years some birthmothers have begun publicly to take a position supporting the efforts to open records to adult adoptees.<sup>15</sup> There is now a national birthparents organization which has taken such a stand. Four birthmothers testified before the Commission; others wrote or called, some anonymously. Most told strikingly similar stories of illegitimate births, family and agency pressure to surrender the child for adoption and the accompanying advice to "forget about this mistake and get on with your life". None were so easily able to forget the child they had borne and all continued to live with varying degrees of guilt and curiosity about what had been their baby's fate. All birthmothers who presented their views said that they would welcome a reunion. This conforms to a study of completed reunions which showed that 82% of birthmothers who were found welcomed the searching adoptee while only 10% reacted adversely.<sup>16</sup> Other birthparent surveys (e.g. by the

Child Welfare League) disclose that only 5-15% of birth-mothers would object to being found. It is significant that in the Commission's survey only three of the 24 Maryland agencies responding reported any birthparent requests in the last 5 years for continued anonymity. This compares with the experience of ten agencies which reported about 100 requests from birthparents for further information about their surrendered children.

Even if we grant, however, that only a minority of birthparents wish continued concealment of their identities, cannot those who do legitimately invoke a "right to privacy" in their efforts to keep adoption records sealed? Clearly they can, and this is the issue which was most difficult for the Commission to resolve. The majority view endorses the position taken by the Model Adoption Legislation and Procedures Advisory Panel of the U.S. Department of Health, Education, and Welfare:

"Finally, where the rights of parties to the adoptive process are in conflict, the best interests of the minor adoptee, or the rights of the adult adoptee, should prevail. These principles are most consistent with the legislative purpose of using adoption as means of serving children in need of families."<sup>17</sup>

### C. Adoptive Parents

It is the sense of the Commission that the protection provided by sealed records is necessary for adoptive

families while children are minors, and that during this time it is a parental prerogative to decide what information about the adoption is given to the child. After the child reaches adulthood parents should no longer expect to exert control over the adoptee's desire to search out his or her biological background, any more than parents have a right to govern other life decisions of their grown children. One can understand and sympathize with adoptive parents who are made anxious by their (adult) children's questioning or searches; the law, however, should not be used as a means of relief for these apprehensions. The experience of completed reunions has demonstrated that adoptees are seeking information about themselves, not a new set of parents. In fact, it has been shown that adoptive parent support of these efforts has resulted in a strengthened relationship with their children.<sup>18</sup>

#### D. Social Agencies

As parties at interest in the adoption process, and as the repositories of much of the information sought by adult adoptees, agencies wish to have a voice in resolving the sealed records controversy. It is a divided voice. Many agencies surveyed felt that opinion on this issue was changing and reported that they now advise birthmothers



that they can no longer promise perpetual anonymity. One agency in Maryland, Baltimore City Department of Social Services, has already established a program to provide information to inquiring adoptees and effect desired reunions when the birthmother agrees (17 of the 18 mothers contacted over the last 15 months did agree). Results of these reunions are described as "uniformly positive".<sup>19</sup>

Agency reservations concerning the opening of records center on the "covenants of confidentiality" made with the birthmother at the time of relinquishment. These "promises" or "contracts" are felt to be binding, even though:

1. A central party to the contract, the adopted child, had no ability to consent; and
2. The birthmother herself had no choice about future contact with her relinquished child.

Secrecy was not offered her, it was required by the agency as a condition of the adoption. In addition, agencies almost uniformly terminate all contact with the birthmother at the time of relinquishment which casts doubt upon their assessment of her later desires in this matter.

Another justification for agency reluctance to open

records lies in the fact that some material exists in these records that is irrelevant, interpretive, or might cause embarrassment or invasion of privacy, particularly for the adoptive parents. The Commission accepts this reservation and suggests that disclosure of information concerning the adoptive parents not be required, and that the agency retain discretion (subject to court review) in releasing anything that would be a violation of privacy.

#### V. THE USE OF AN INTERMEDIARY

The usual compromise effort to protect and balance the potentially conflicting rights and needs of adoptees and birthparents involves the establishment of an intermediary to obtain desired information from the birthparent or to solicit the birthparent's consent to a reunion. Social agencies are the entities most commonly suggested to play this role. Indeed, in Baltimore there have been a number of agency-mediated reunions pursuant to court decisions on petitions of adult adoptees.<sup>20</sup>

Reunion studies have indicated relatively little danger to any party in "unsupervised" contacts between adoptees and birthparents<sup>21</sup>. The Commission has concluded,

however, that for those adoptions which have occurred during the time the records have been sealed, some mechanism is appropriate to screen adoptee requests for identifying information. Accordingly, we are proposing that, in the case of past adoptions, a petition to the court be required to open the records with the presumption that disclosure would follow unless an investigation by the court revealed clear and convincing evidence that significant harm to the birthparent would result. It would not be expected that this mechanism would allow a simple "birthparent veto" to identity disclosure.

#### VI. RETROACTIVITY

The above proposal involves a clear differentiation between future adoptions and those which have occurred over the last 32 years - the period during which records have been sealed. While it has reservations about thus creating two classes of adoptees, the Commission recognizes that such a distinction may have a rational basis. It is reasonable to suppose that the assumptions and expectations of parties to adoption during the time records were sealed would be different than those which would obtain if perpetual secrecy was not expected. It is the Commission's feeling that future adoptions should proceed on the

assumption that on reaching the age of 21 the adoptee is entitled to all information contained in the records of the adoption - including the identities of his or her birth relatives. There is, however, as noted in an attachment to this report, a division of opinion within the Commission on this matter with a minority of the membership believing that opening of records in future adoptions should be handled through the courts using the same mechanism as that suggested above for past adoptions.

#### VII. EXPERIENCE IN OTHER STATES <sup>22</sup>

Alabama and Kansas allow adult adoptees to obtain on request their original birth certificates. Minnesota, Connecticut and North Dakota have provided controlled access to this information with birthparent consent. In the remaining states "good cause shown" as established before a court remains the grounds for opening adoption records. As has been the case in Maryland, this situation has led to variable judicial interpretation and contradictory rulings.

There have been a number of state legislative initiatives undertaken to establish clear standards and procedures for information disclosure; there have also been some efforts made to restrict access to records.

The following chart, compiled by Joseph D. Harrington, summarizes the status of significant state bills introduced over the last 3 years:

SIGNIFICANT STATE BILLS  
CONCERNING ADOPTION RECORDS  
1976 --- 79

STATE	APPROACH	STATUS
California	access on demand	defeated 1979
Connecticut	access with consent	enacted 1977
District of Columbia	access with consent	defeated 1979
Indiana	access on demand	shelved
Lousiana	access only for compelling reasons	enacted 1978
Maine	registry system	passed 1979
Massachusetts	multiple	pending
Michigan	access with consent	pending
Minnesota	access with consent	enacted 1977
Missouri	access on demand	defeated 1979
Nebraska	access on demand	pending
New Mexico	access with consent	defeated 1979
New York	access with consent	defeated 1979
North Dakota	access with consent	enacted 1979
Oklahoma	access with consent	defeated 1979
Oregon	access with consent (2 similar bills)	shelved; pending
Pennsylvania	limiting of access	defeated 1978
South Carolina	access with consent	defeated 1979
Tennessee	access with consent	pending
Virginia	limiting of access	enacted 1976-77
Washington	access with consent	defeated 1979

A 1977 task force study in California recommended release of identifying information concerning birthparents subject to their consent.

The survey questionnaire sent by the Commission received

responses from 33 states. The information obtained from these discloses that:

1. There is an increasing, though modest, number of requests for both identifying and non-identifying information coming from adult adoptees, adoptive parents, and birthparents; most of the interest comes from adoptees.
2. Very few birthparents contact agencies with requests for continued anonymity.
3. The large majority of relinquishing mothers come to agencies after the 1st trimester of pregnancy when abortion is no longer an option.
4. Of the few completed reunions that agencies were aware of, almost all had positive outcomes. There were no reported disasters.
5. Most responses indicated that attitudes of all parties seemed to be changing in the direction of "greater openness".

#### VIII. OPENING SEALED BIRTH RECORDS IN ENGLAND AND WALES

In November 1976, it became possible for adopted adults, 18 or older, in England and Wales to apply to the Registrar

General for access to the original record of his birth. A counseling session is made available to all adoptees seeking their original birth records, whether prospectively or retrospectively, but counselling was made mandatory for those adopted prior to passage of the Childrens Act 1975.

For the adult adoptee, the process is as follows:

The adoptee must file an application form giving details necessary for tracing the original birth record, and also specifying where he or she prefers to meet with the counsellor. The Registrar General will then send the counsellor most of the information from the adoption order. Upon request, the counsellor can tell the adoptee his/her original name, the name of the birth mother, and, if available, the name of the birth father. The adoptee can then use the information from the counsellor to apply for an original birth record which provides, in addition, the date and place of birth and the birth mother's address at the time of relinquishment.

Parliament was attempting to reduce differences between English and Scottish family law; the original birth records have never been sealed from adult adoptees 17 or older in Scotland. The Scots apparently felt quite strongly

that they should not be forced to seal these records. The Scottish history of open records also made possible a limited but excellent study of adoptee searches by John Triseliotis of Edinburgh University. This study essentially found that adoptees preferred the truth, even an ugly truth, to the fantasies which some of them have had. It should be noted that just about every objection to opening records here in Maryland was also raised and considered in the deliberations of Parliament.

Fears that the change in the law would lead to wholesale tracing and public exposure of birthparents proved to be unfounded. In fact, less than 2% of the potential applicants in England and Wales have actually applied for their birth records. Speaking of those who have done so, Alfred Leeding said in his report to the Association of British Adoption and Fostering Agencies: "They were generally mature in their outlook, appreciative of the difficulties of both natural and adoptive parents, and grateful for the proffered help in their inquiry..."<sup>23</sup>

#### VIII. CONCLUSIONS AND RECOMMENDATIONS

The Commission believes that the thirty-two year experiment in sealing adoption records in this State has outlived its usefulness. We reject the idea that the integrity



of the adoption process is dependent on promises of perpetual secrecy which have the effect of concealing the biological background of adopted people, including medical, genetic, and social histories which may be essential to their physical and emotional development. We conclude that adult adoptees are as entitled to this information about themselves as are people who are not adopted. It is clear that some adoptees are choosing to search for their birthparents as the only current and reliable sources of the information they seek. A large proportion of these searches, even now, are successful so that the State currently is in the position of impeding but not preventing this minority of its citizens from obtaining their biological histories. The risk to any party of such undertakings is considered to be minimal, but in the case of adoptions which have occurred during the time when records were sealed the Commission recommends that a court petition by the adoptee be used to obtain information which would identify a birthparent. Unless clear and convincing evidence of potential harm to the birthparent is adduced, it is recommended that the records be opened. In the case of future adoptions the majority of the Commission suggests that records be available as a matter of course to adoptees upon reaching the age of 21, and that all parties be so informed at the time of relinquishment and adoption.

A further recommendation is that courts and agencies be required to preserve all adoption records for 75 years.

One of the most powerful rationales for change is the fact that under the current statute there is great variability in interpretation on the part of the judiciary. There now exists a situation in which some judges open adoption records almost routinely while others will not even consider a petition. This clearly inequitable situation cries out for legislative direction.

The Commission wishes to note that in its hearings and deliberations it became evident that this is an issue about which many people have strong feelings. We have found this to be a delicate and complex question involving life's most fundamental relationships - parents with children, and people with their pasts. We have heard moving stories of love and loss. We have found no villains to castigate and no willful attempts to deny basic rights to anyone. What we have found are many good people - adoptive parents, adoptees, social workers, birthparents - responding to a complicated situation as best they can in the light of their own needs, perceptions, and sense of what is right and fair. Our own conclusions are summarized above and are embodied in the suggested legislation which accompanies this report and which the Commission earnestly commends to the consideration of the Governor and the Legislature.

#### FOOTNOTES

1. Clark, H., The Law of Domestic Relations; 603 (1968).
2. Small, J., "Discrimination Against the Adoptee" in Public Welfare, vol. 37, no. 3, Summer 1979, p. 38.
3. Report of the Commission to Study Revision of Adoption Laws of The State of Maryland, 1947.
4. Lupack, P. G., "Sealed Records in Adoptions: The Need for Legislative Reform", 21 Catholic Lawyer, Summer 1975, p. 212.
5. Burgess, L. C., The Art of Adoption, Acropolis Books, p. 14 (1976).
6. Ibid., p. 138.
7. Watson, K. W., "Who is the Primary Client?" in Public Welfare, vol. 37, no. 3, Summer 1979, p. 13.
8. See, for example: Fisher, F., The Search for Anna Fisher, Arthur Fields (1973)  
Lifton, B. J., Twice Born: Memoirs of an Adopted Daughter, McGraw-Hill (1975).
9. See, for example: The Alma Society, et. al, v. Irving Mellon, Director of Vital Research of the City of New York, et. al., 459 F. Supp. 912 (1978); Matter of Linda, New York Law Journal, Oct. 30, 1978, 409 NY Supp. 2d 638.
10. See notes 9 above and 12 below. Also, Mills v. Atlantic City Dept. of Vital Statistics, N.J. 372 A 2d 646; also Levin, M., "The Adoption Trilemma", University of Baltimore Law Review, vol. 8, no. 3 (1979) p.496.
11. See: Kirk, H.D., Shared Fate, Free Press (1966)  
Sorosky, A. D., Baran, A., Pannor, R., The Adoption Triangle, Anchor Press/Doubleday (1978).  
Schechter, M. and Holter F. R., "Adopted Children in Their Adoptive Families", Pediatric Clinics of North America, vol. 22, no. 3, August 1975.
12. Bradey v. The Children's Bureau of South Carolina, 7th Judicial Circuit, South Carolina, Decided April 9, 1979.

13. Triseliotis, J., In Search of Origins: The Experiences of Adopted People, London: Routledge and Kegan Paul (1973)  
Leeding, A., "Access to Birth Records", a report to the Association of British Adoption and Fostering Agencies, 1977.
14. e.g. in cases requiring Juvenile Court supervision; and in the consumption of certain alcoholic beverages
15. Campbell, L., Understanding the Birthparent, Boston CUB Development Fund (1977)
16. Sorosky, op. cit., p. 195
17. Draft Report of Model Adoption and Procedures Advisory Panel, U. S. Department of Health Education and Welfare, p.2
18. Sorosky, op. cit., p. 196.
19. Questionnaire response to this Commission, Baltimore City Department of Social Services.
20. Testimony of Judge Robert B. Watts.
21. See notes 13 and 16 above.
22. For a more comprehensive review of this subject see Harrington, J.D., "Legislative Reform Moves Slowly", in Public Welfare, vol. 37, no. 3 Summer 1979.
23. Leeding, op. cit.

STATE OF MARYLAND  
COMMISSION TO STUDY THE ADOPTION LAWS

A Minority Report

The composition of the membership of this Commission to Study the Adoption Laws as appointed by Governor Harry Hughes, made the likelihood of differences of opinion as to the Commission's final conclusions and recommendations fully predictable. The Chairman of the Commission and several of its members have been active in the effort of some adoptees to open adoption records. Also, several members of the Commission have opposed the opening of adoption records. The fact that the Commission was unable to achieve unanimous agreement should not be unexpected. The Commission's report represents a compromise--some members would go farther and others would not change the existing law.

Despite differences of opinion, the mutual opportunity to meet and exchange ideas over a prolonged period of time with persons of different persuasions has proved beneficial. The respective parties have achieved a better understanding of the position of the "other side" and have, through association, acquired respect for the persons holding contrary views. The concluding paragraph in the Majority Report is a significant statement.

There are several difficulties in dealing with the primary question addressed by the Commission. We have a situation where for some thirty-two years adoptive records in the State of Maryland have been sealed. The proponents for open records state that there is no evidence to indicate that harm would come to birth parents should the seals be broken. The Commission's report indicates that the results of meetings between adoptees and birth parents are almost always favorable. However, there appear to be few statistically significant, systematic studies on the matter.

Proponents of opening records note that the proposed legislation would produce obviously beneficial results, such as providing genetic and medical background data for the adoptees which unquestionably is relevant and material to adopting parents, as well as to adoptees and their children. The fact is, in most cases, the necessary data can be obtained without revealing identifying information concerning the birth parents. Indeed, if Maryland would tighten its adoption laws and eliminate adoptive placements through unlicensed individuals, such data would be available in virtually all cases.

Through the process of debate, discussion and compromise, the Commission is recommending proposed legislation which deals with adoptions made prior to January 1, 1981, and those after that date. With respect to adoptions prior to January 1, the Commission unanimously recommends that the adoptee, upon reaching age twenty-one, petition the court for the names and addresses of his or her birth parents. Thereupon, the court has the obligation to serve notice on the birth parents of the request and is required to give the birth parents an opportunity to come forward and to present evidence as to why disclosure of their identities would cause them serious physical or psychological injury. If the birth parents fail to come forward or are unable to sustain that burden, the court will decree that the record be opened. It should be emphasized that the protection afforded the birth parents for the past thirty-two years would no longer exist and, instead, the burden is placed upon them to show that they would be seriously injured should the seals be broken. The Commission has not considered exactly how this burden shall be met.

As for future adoptive placements (those after January 1, 1981). the Majority of the Commission feels that records should be opened upon mere application of the adoptee upon reaching age twenty-one. The Minority feels that, should the birth parents be able to persuade a court that they would suffer serious physical or psychological injury by the opening of the records, they should be protected from disclosure. Simple human decency dictates as much. It should be kept in mind that twenty-one years will go by after the placement of an infant, and in that time, many things can happen which are totally unpredictable at the time of placement--marriages will occur, other children will be born, health status will change. Birth parents must be afforded a very minimal safeguard and an opportunity to protect themselves against "serious physical or psychological harm" in the event the adoptee seeks to have the seal removed.

The Minority, therefore, recommends that the proposed legislation be amended so as to provide the same procedure for breaking the seal on adoptive records in post - January 1, 1981 placements as is provided in pre-January 1, 1981 adoptions.

The Minority feels that should the proposed legislation be enacted into law in any form, broad publicity must be given to notify birth parents of the change in law so that they may do what is needed to protect their interests.

Respectfully submitted,

Michael P. Bentzen

Jerome F. Connell, Sr.

Victor L. Crawford

Jerry H. Hyatt

Anne S. Perkins

Persons Testifying Before The Governor's Commission  
To Study The Adoption Laws  
September 20, 1979

Judge Marshall Levin	Supreme Bench, Baltimore City
Judge Robert Watts	Supreme Bench, Baltimore City
Irene Wasserkruq	Adoptive parent, Adoption Connection Exchange (ACE)
The Honorable David Scull	18th District Montgomery County.
Charles Cahn	Health & Welfare Council of Central Maryland
Mrs. Gladieux	Associated Catholic Charities
Kathleen Redmond	Birthparent
Karen Curreri	Adoptee
Marie Coshnear	Maryland Children's Aid & Family Service Society
Sherry Simas	Adoptive Parent Families Adopting Children Everywhere (FACE)
Mary Rauh	Family & Childrens Society
Paul Gezon	Executive Director, Family & Children Society
Virginia Rader	Birthmother, Concerned United Birthparents (CUB)
Joseph Harrington	Adoptee, Adoptees in Search (AIS), Adoptees Liberty Movement Association (ALMA)
Fern Blake	Adoption Program Specialist, Maryland Department of Human Resources
Cheryl Smith	Adoptive Parent, Chairman, Foster Parent Review Board, Anne Arundel County
Nancy Schmitt	Adoptee



Camille Wheeler	Director, Baltimore County D.S.S.
Robert Scheffman	Adoptee
Deborah Sweet	Wife of Adoptee
Martha Talbott	Adoption Connection Exchange (ACE)
Mary Blumenthal	Adoptive Parent
Sherry McGuire	Birthmother
Joseph Saba	Adoptee, Adoptees in Search (AIS)
Jane Reiffler	Adoptee, Adoption Connection Exchange (ACE)
Carol Satela	Birthmother
Anne Pickett	Birthmother

SAMPLE  
TESTIMONY

The station wagon pulled away, down the driveway of the Florence Crittenden Home for Unwed Mothers, and with it went part of my life, 15 yet I felt 50! Fifteen years-old, yet making the supreme sacrifice of my entire life....that sacrifice, my son! Have I forgotten him? I've loved him though my heart almost stopped beating and my eyes ran dry, through time and in spite of it. For the love of a mother for her child has its roots in eternity and cannot fall victim to time or death, though I know not if my child still lives. My love for him has no shame, no pride. It is only what it is, always has been, and always will be, unselfish mother love.

It is in unselfish love that I come before you today. It is unselfishly that I ask you to give my birthson the dignity of choice. Let him alone decide to know his heritage or reject it, not the State of Maryland.

In a day and age when a woman can choose life or death for her unborn child without interference from the state, it sickens me that I am not entitled to know if my child is dead or alive. If our society can create a space for abortion to be, yet deny the child that I chose life for, then our society and its laws are warped. Yet I feel society has changed with the times; being the child of an unwed parent no longer carries the stigma of years gone by. Now is the time for the laws in this state to change with the times. Now is the time to open birth records to all. Now is the time to make adoption the act of love it is meant to be, no longer need it be an experience which causes pain, only love.

My name is Carol, I am a birthparent, I desire not protection, but the opportunity to one day extend the hand of friendship to my birthson, as one adult to another. I have no wish to rival or threaten the relationship of my birthson and his adoptive parents, for they are

his real and true parents in the most meaningful sense. However, it saddens me to think that, in relinquishing my rights to parent my child, I relinquished his basic human right to know the truth behind his very existence. The pain I feel for my birthson being denied his human right to make this decision for himself is a pain that defies description, for the signing of a paper may have nullified my legal rights to my son, but that signing cannot nullify my feelings, nor should it nullify the human rights of my child. Again I say to you that it is no longer the state of Maryland's place to make this choice for anyone.

To this panel and to all the fine people who have taken children into their hearts and homes I would like to share the following:

There is a child, born of me to grow with you,  
Nurtured in my womb as he is nurtured in your home.  
Yours, yet not a gift from me, I did not seek to lose him.  
Yours, yet not a gift from God;  
Agency, document, privilege, punishment, these are the inventions  
of man.  
But, if you love this child, then know that he will bless  
you as a child will bless his parents. This alone in  
heaven's way is your abiding treasure.  
And if he ever loves me too, someday...maybe never, I would ask  
you to let him be, love him always, set him free.  
For here there is a child.

Thank you

**FAMILIES ADOPTING CHILDREN EVERYWHERE**  
P.O. Box 102  
Bel Air, Maryland 21014

Southern Chapter  
6902 Nashville Road  
Lanham, Maryland 20801

My name is Sherry Simas. I am an adoptive parent, a co-founder of the Southern Chapter of Families Adopting Children Everywhere, co-chairperson of the Prince George's County Citizen's Advisory Committee on Adoption, and a member of the Joint Council on International Children's Services of North America.

Today I am speaking on behalf of Families Adopting Children Everywhere, an adoptive parents organization with a membership of nearly three hundred. One of our most dedicated members, Pat Shirley, had hoped to be here today to testify on the need to expand the scope of this commission to study the many aspects of adoption in addition to that of sealed versus open records. Unfortunately, Mrs. Shirley is in the hospital recovering from surgery she underwent yesterday after a month of illness. As soon as she is able, she will communicate directly with the members of this commission. However, she has asked that I mention the following points:

First, anyone concerned with adoption in the state of Maryland should be aware that the Children's Adoption Resource Exchange, the only adoption exchange actively serving Maryland, has recently ceased operation for lack of funds. Now there is no way to identify readily those children in Maryland who are legally free but still in need of permanent homes.

Second, members of Families Adopting Children Everywhere receive several calls each day, week in and week out, from people of all races, including black families, who want to adopt a child from abroad...while eleven thousand children are waiting in Maryland. Across the nation, some five hundred thousand children are waiting in out-of-home care. They will continue to wait until Departments of Social Services across the state are willing to study families for children not directly in their care. Right now the only hope for these children is the occasional family able to spend five or six hundred dollars to have

a private homestudy done. In the Baltimore area, Catholic Charities is the only United Fund agency currently studying families for these children. In the less populous counties, there is some willingness to do such studies, but areas such as Baltimore City, Baltimore County, Montgomery and Prince George's Counties are inclined to do studies only for children in their care.

Another major concern of ours is with the lack of pre- and post-adoptive services. Adoptive parent groups are springing up all over the country to fill this void; through the efforts of groups such as ours agencies are slowly improving communication and services to adoptive families and the children who wait.

We, therefore, formally request that the mandate for this commission be extended, perhaps with additional or replacement members, to take up a complete study of adoption in the state of Maryland.

To return to the issue of sealed versus open records...as adoptive parents of children from both the United States and abroad, we are concerned with learning as much as we can about the origins of our children and with collecting as many facts as we can about the birth families of our children so we can share this with them when they reach adulthood.

The sealed records controversy seems ironic to a parent who spends thousands of dollars and travels half-way around the world to locate her child's birth mother. Such a parent is thinking not only of the four-year-old she is raising but also of the adult that child will become. Whether the child will ever use that information to go to meet her birth family is not important; having the information available is what counts.

In United States adoptions there is an unfortunate dichotomy. For the child born in this state who is adopted as an infant, there is little hope of his ever finding identifying information on his birth family; for the child who spends many years

in foster care before being adopted, all such information is more readily available. This inequity exists primarily as a result of the age of the child at the termination of parental rights; the younger child who has no memory of his birth family needs adult advocates to seek out and save information to share with him when he is older. Also, while the adoptee is still a child, there must be a recognized system for facilitating communication between the child's birth parents and adoptive parents, especially in cases of medical emergency.

To resolve this inequity we need a new approach to dealing with adoption records. First, we must break the stereotype of adoptive parents as fearful and jealous persons. Second, we must all remember that adopted children become adults and that adults have the right to know their origins. Third, agency philosophy should be expanded to accommodate the changes in attitude among many adoptive families.

With a few basic safeguards, records could be unsealed in this state. What is needed is the education of adoptive parents and agency personnel to appreciate the value of such a system to the adoptee when he reaches adulthood. As adoptive parents, we learn to allow our children to grow up; we can also learn to allow our children to know their origins.

9/19/79

To whom it may concern:

My name is Karen Curreri, and I am a twenty-six year old adult adoptee. Today, I am a stable married mother of a one year old daughter.

However, this lifestyle did not come without much anxiety and severe identity crisis. caused by the stress of being denied my biological origins, and the secrecy of the whole mystery that surrounded them. I was expected to lead a dual existence. I was to pretend my adoptive parents, brother, grandparents ect., were my blood relatives. Knowing I was much different both mentally and physically then they, this was not within my realm of possibility. I knew these people loved me very much and I loved them in return, but I nevertheless knew there was a world of difference between us.

I spent much of my life building a fantasy surrounding my "roots". Many tears were shed due to lack of understanding from others concerning my emotions. I spent five long years searching and struggling for my roots only to find doors being closed in front of me.

Finally, the week before Christmas 1977, I found my biological family. My biological parents are happily married to each other and living in Connecticut only forty minutes from <sup>W</sup>ere I had lived for two years. I have three full blooded sisters and two full blooded brothers. The day after Christmas I ventured to Connecticut, and we had



our first family reunion.

The reunion did not completely meet my fantasy, as one never can completely fulfill a fantasy. However, it certainly served as a maturing experience for my adoptive and biological parents, as well as myself. This experience was totally necessary for all of us to come to terms with our past, face our future, and to be the mature adults we are today.

At my wedding both my biological and adoptive families sat together: tying the knot to a past that had been sealed along with the dark sealed record held by the courts.

Now the record has been unsealed and two families may live as real people, their secret having been brought to life.

Most Sincerely,

A handwritten signature in cursive script, appearing to read "Karen A. Curreri".

Karen A. Curreri

**Testimony of Camille B. Wheeler**

**Director  
Baltimore County Department of Social Services**

**Commission on Maryland's Adoption Laws**

**September 20, 1979**

Thank you for the opportunity to speak before this Commission on Maryland's Adoption Laws. The question before this Commission is whether an adoptee can have access to his records to find out the identify of his natural parents. The position of our agency is that adoptees should have that right, if they desire it.

Adoption is a procedure which establishes the legal relationship of child and parent between persons who are not biologically related. The new parents are responsible for the physical and intellectual growth of the child. As the parents provide the daily care for the child, the child becomes as completely theirs as if he had been born to them naturally. If the adoptive parents have an understanding and acceptance of the adoption process and their child's needs, and the parent-child relationship is a healthy one, the adoptees need to inquire about his past will not be threatening.

In the last five years, our agency has placed an average of 17 children a year. During that same time, we have had a total of 33 inquiries from adoptees for more information about their background. Our policy is to tell the adoptee all but the most confidential information, which in most cases, means the name of the natural parents. To our knowledge, only one person has gone to court in that time period for more information.

At the present time, we feel our adoption procedures go about as far as we can within the law to allow the adoptee to find out about his background, and at the same time to protect the rights and interests of the adoptive and natural parents. When prospective adoptive parents come to us, we, of course, assess their ability to be good parents. One way we do this is by group meetings with others who hope to adopt. At this meeting we go over what is required of them and we raise the possibility that some day their adopted children may have the desire and right to meet with their natural parents. After a child has been placed, the family is given an information sheet containing medical information and the background of the child, the child's family, as well as the reasons for adoption.

There are two problems social service agencies will face if adoption records are opened. More will be required of the agency in post-placement procedures. Presently, our agency has a very limited role after the actual adoption. Our staff will have to do more to maintain up-to-date information on the natural parents with open records. Presently, we have some records which are ten to twenty years old and there has been no contact with natural parents in that time.

Prior to releasing the name of a natural parent to his child, we believe it important to make some effort to contact that parent and obtain permission if possible, or, at least notify them of their child's search. This caution grows out of the former practice in adoptions of promising adoptive parents anonymity.

We also believe that the information on the natural family is best given in an interview with the adoptee. Because of the sensitivity of the issues involved, we would be uncomfortable with anything less personal.

In advocating the opening up of adoption records, we realize the necessity of balancing the interests of the child, the natural parents, and the adoptive parents. Social service agencies can and should take an active role in seeing that everyone involved is prepared for this eventuality. Hopefully, the opening up of adoption records can produce results from which all can benefit.

At this point though, I should point out one note of caution to this Commission. This is in the area of private adoptions. Many of these are handled by private agencies or physicians and no records are kept for the adoptee. The question of how to handle private adoptions is one that deserves this Commission's attention.

HEALTH AND WELFARE COUNCIL OF CENTRAL MARYLAND, INC.

22 Light Street  
Baltimore, Maryland 21202  
752-4146

September 10, 1979

Testimony before the Governor's Commission  
on Adoption Laws

Mr. Chairman and Members of the Governor's Commission:

The Health and Welfare Council of Central Maryland has been involved for many years with social service issues including the problems of adoption. In 1973 our Board of Directors authorized a study of and adopted a report on "Adoption Services in Maryland." In addition, our staff has actively participated on the Social Service Administration's Advisory Committee on Adoption.

After study of 1978 proposed legislation on adoption issues, the HWC Board of Directors adopted a position on open adoption records and presented testimony before Senate and House Committees during the 1978 and 1979 sessions of the General Assembly. We are here today to reaffirm that position which is:

1. We oppose any open records legislation made retroactive in effect. In the past, adoption agencies made covenants of confidentiality, often mandated by the law, with the natural parents and the adoptive parents. To abrogate retroactively these covenants of confidentiality would violate the moral, ethical, and perhaps legal commitments made by the agencies.
2. We favor legislation which would facilitate access to adoption information by employment of a properly qualified intermediary who could make discreet inquiry of parties participating in the adoption as to their willingness to disclose identifying information. We agree with the decision of Judge Pollack<sup>1/</sup> of the United States District Court for the Southern District of New York who stated in a case seeking the opening of adoption records

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<sup>1/</sup> The Alma Society, et al v. Irving Mellon, Director of Vital Research of the City of New York, et al, 459 F. Supp. 912 (1978).

and in which he declined to order such records opened, "No constitutional or personal right is unconditional and absolute to the exclusion of the rights of all other individuals." We believe, therefore, that, unless demonstrated good cause requires otherwise, any party to the adoption act should have the right to veto the disclosure of identifying information. However, because of the importance of genetic and medical information to the adoptee, and because the disclosure of such information would not violate seriously the covenant of confidentiality with regards to disclosing identities, we would favor legislation requiring disclosure of such information through the intermediary upon request.

Consideration also should be given to the negative impact, if any, on the availability of adoptable children that could result from legislation making future adoption records open.

We recognize that the issue of open adoption records is only one of many issues before this Commission, such as:

1. Establishment of a viable resource exchange system.
2. Facilitation of the adoption of eligible children including mechanisms for earlier release of children for adoption, subsidization of adoptions of children with special needs, and incentives for an improved adoption service.
3. Generation of a comprehensive and current data system for adoption service planning.
4. Development of a genuine partnership between governmental and voluntary agencies with delineation of responsibilities and accountabilities.

Although we have not spoken to these issues today, HWC is willing to provide this Commission with consultative assistance on these or other adoption issues as they may arise.

The following organizations have notified us of their general support for our stated position on open adoption records:

Associated Catholic Charities of Baltimore

Barker Foundation

Catholic Charities, Archdiocese of Washington

Family and Child Services of Washington, D.C.

Family and Children's Society, Baltimore

Jewish Family and Children's Service, Baltimore

Latter Day Saints Social Services

Lutheran Social Services of Maryland

Lutheran Social Services of the National Capitol Area

Maryland Children's Aid and Family Service Society

Pierce-Warwick Adoption Services of the Washington Home for Foundlings

SAMPLE QUESTIONNAIRE  
AND  
RESPONSES FROM MARYLAND AGENCIES





STATE OF MARYLAND  
EXECUTIVE DEPARTMENT  
ANNAPOLIS, MARYLAND 21404

HARRY HUGHES  
GOVERNOR

COMMISSION TO STUDY THE ADOPTION LAWS  
Gordon S. Livingston, M.D., Chairman

I. The number of children placed for adoption by your agency:

<u>Year</u>	<u>Under 1 Year</u>	<u>1 to 4 Years</u>	<u>5 to 12 Years</u>	<u>Over 12</u>	<u>Total</u>
1975					
1976					
1977					
1978					
1979					

Comments:

II. Number of inquiries for confidential information over last 5 years:

<u>From</u>	<u>Identifying Information</u>	<u>Medical Information</u>	<u>Other</u>	<u>Granted by Agency Court</u>	<u>Denied by Agency Court</u>
Adoptees					
Adoptive Parents					
Birth Parents					
Doctors/ Medical					
Others					

Comments:

III. How many requests by birth parents have you received for continued anonymity during the past 5 years? \_\_\_\_\_

How did you handle these requests?

IV. How have you handled, over the past 5 years, the issue of confidentiality of the following records with your relinquishing parents?

Identity

Medical Records

Personal/Social  
Records

Comments:

V. How have you handled the question of abortion with potential relinquishing mothers?

How many expecting mothers come for counseling in the first trimester? \_\_\_\_\_ second or third trimester? \_\_\_\_\_

Comments:

VI. During the past 5 years, how many requests have you received for contact between adult adoptees and birth parents? \_\_\_\_\_

How did you handle them?

How many contacts took place?

What were the results?

What problems were encountered?

Comments:

VII. Has your agency encouraged or discouraged birth parents from maintaining contact with the agency after relinquishing their child for purposes of up-dating the record regarding the following information?

Location

Social or personal information

Medical

Other

What response have you had?

VIII. Do you have any information on change of attitudes toward anonymity or agency records over the years after the adoptive placement by the following parties to adoption?

Birth  
Parents

Adoptive  
Parents

Adoptees

Comments:

IX. What contacts have you received regarding pending legislation to open sealed records for adult adoptees?

Comments:

X. What concrete experiences has your agency or anyone you know had with reunions between adoptees and their birth parents?

Comments:

QUESTIONNAIRE RESPONSES - MARYLAND AGENCIES

<u>AGENCY</u>	<u>FIVE YEAR PLACEMENTS</u>	<u>REQUESTS FOR INFORMATION IDENT.</u>	<u>NON-IDENT.</u>	<u>CONTACT WITH BIRTHPARENTS</u>	<u>BIRTHPARENT REQUESTS FOR ANONYMITY</u>	<u>CHANGED ATTITUDES</u>
Worcester	15	1 adoptee	1 Birthparent	No	None	No, desire to continue anonymity
Anne Arundel	92	4 (adoptees looking for sibs 2 birth- parents	6 Adoptees 3 Ad. parents	Encouraged in last 3 yrs.	1	Yes, more open
Allegany	24	3 Adoptees 2 Birthparents		No	None	Yes, more open
Queen Anne's	18	"several pre- liminary in- quiries"		Encouraged in last year	None	No
Carroll	20	2 Adoptees	2 Ad. parents	No	None	No
Montgomery	165	22 Adoptees 8 Ad. Parents 24 Birthparents	10 Adoptees 20 Ad. Parents	No	10(est.)	Yes, more open to idea of further contact
Frederick	70	1 (Adoptee looking for sib)		No	None	Yes, most birth- parents expressing interest in con- tact with child at maturity
Garrett	14	None		No	None	Unknown
Harford	64	2 Adoptees		No	None	Yes
Somerset	7	None		Encouraged in last year	None	No
Balt. City	295	35 Adoptees 10 Ad. Parents 25 Birthparents	4 Adoptees 5 Ad. Parents	Encouraged in last 4 years	Unknown	Yes

<u>AGENCY</u>	<u>FIVE YEAR PLACEMENTS</u>	<u>REQUESTS FOR INFORMATION</u>		<u>CONTACT WITH BIRTHPARENTS</u>	<u>BIRTHPARENT REQUESTS FOR ANONYMITY</u>	<u>CHANGED ATTITUDES</u>
		<u>IDENT.</u>	<u>NON-IDENT.</u>			
Caroline	17	1 Birthparent		No (discouraged)	None	No
Wicomico	44	1 Adoptee 1 Birthparent	4 Adoptees 2 Ad.Parents	No (discouraged)	None	No
Calvert	18		1 Ad.Parent	No	None	Yes
Talbot	7	None		No	None	No
Dorchester	7	1 Birthparent	1 Ad.Parent	No	None	No
Lutheran S.S.	9	1 Adoptee	2 Ad.Parents	No	4 statements of willingness to be contacted	No
J.F.C.S.	7	None		No	None	
Episcopal S.S.	312 (majority foreign)	6 Adoptees 8 Ad.Parents 2 Birthparents	2 Ad.Parents	No	None	Yes, more requests for information
Catholic Char.	233	65 Adoptees 24 Birthparents	17 Ad.Parents	Encourage but little response	4	Yes, preparing for open records

PROPOSED LEGISLATION  
OF  
THE GOVERNOR'S COMMISSION TO  
STUDY THE ADOPTION LAWS

By: (The Governor's Commission to Study the Adoption Laws)	26
A BILL ENTITLED	29
AN ACT concerning	33
Adoption - Open Records	36
FOR the purpose of permitting certain adopted persons in	40
this State to have access to certain information	41
concerning their adoption and birthparents under	
certain circumstances; providing for the collection,	42
retention, and release of certain information to	43
adopted persons and adoptive parents by adoption	
agencies; providing a penalty for the failure of an	44
adoption agency to comply with the provisions for	45
retention of records; providing for access by adopted	
persons to their original birth certificates; providing	46
for the procedure through which certain adopted persons	47
may obtain certain information through the court and	
the procedure to be utilized by the courts in providing	48
for the release of adoption information; providing that	49
an adopted person may seek judicial review for the	50
deletion or denial of certain information by an	
adoption agency; providing jurisdiction to a court of	51
equity over the release of certain records and	52
information subsequent to an adoption; making certain	
technical changes; clarifying language; and generally	53
relating to the release of adoption information to an	54
adopted person.	55
BY adding to	57
Article 16 - Chancery	59
Section 89 to be under the new subtitle "Subsequent	61
Release of Adoption Information"	62
Annotated Code of Maryland	63
(1973 Replacement Volume and 1979 Supplement)	64
BY repealing	67
Article 88A - Social Services Administration	70
Section 27A	73
Annotated Code of Maryland	74
(1979 Replacement Volume and 1979 Supplement)	75

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 EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
 [Brackets] indicate matter stricken from existing law.  
 Numerals at right identify computer lines of text.

BY adding to	81
Article 88A - Social Services Administration	84
Section 27A, 27B, and 27C	85
Annotated Code of Maryland	86
(1979 Replacement Volume and 1979 Supplement)	
BY repealing and reenacting, with amendments,	89
Article 43 - Health	92
Section 19	95
Annotated Code of Maryland	96
(1971 Replacement Volume and 1979 Supplement)	97
BY repealing and reenacting, with amendments,	100
Article - Courts and Judicial Proceedings	103
Section 3-601	106
Annotated Code of Maryland	107
(1974 Volume and 1979 Supplement)	108
Preamble	111
In 1947, adoption records in Maryland were sealed.	114
Since then, there have been changes in public attitudes as	115
well as in social work theory and practice in response to	116
the felt need on the part of an increasing number of	
adoptees to know more about their biological backgrounds.	117
Other jurisdictions have provided for full or partial access	118
to adoption records without apparent damage to either the	119
institution of adoption or to the parties involved. This	120
Act is intended to facilitate the access of adoptees to	
information about their heritage, consistent with the rights	121
of birthparents; now, therefore,	122
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF	124
MARYLAND, That section(s) of the Annotated Code of Maryland	125
be repealed, amended, or enacted to read as follows:	126
Article 16 - Chancery	128
SUBSEQUENT RELEASE OF ADOPTION INFORMATION	130
89.	134
(A) (1) IN THE CASE OF AN ADOPTION DECREE ISSUED	135
BEFORE JANUARY 1, 1981, AN ADOPTEE 21 YEARS OLD OR OLDER MAY	136
PETITION THE COURT FOR THE RELEASE OF INFORMATION WHICH MAY	137
LEAD TO THE IDENTIFICATION OF THE ADOPTEE'S BIRTHPARENTS.	138
IN SUCH AN ACTION:	139



(I) THE ADOPTION AGENCY, SOCIAL SERVICES ADMINISTRATION, OR THE COURT SHALL NOTIFY THE BIRTHPARENT OF THE ADOPTEE'S REQUEST FOR INFORMATION WHICH WILL IDENTIFY THE BIRTHPARENT; AND

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(II) THE COURT SHALL ORDER THE RELEASE OF IDENTIFYING INFORMATION FROM THE ADOPTION AGENCY WHICH PLACED THE PERSON FOR ADOPTION OR THE CUSTODIAN WHICH HAS POSSESSION OF THE INFORMATION, UNLESS AN OBJECTION IS FILED BY THE BIRTHPARENT WITHIN THE TIME SPECIFIED IN THE NOTICE.

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(2) (I) IF AN OBJECTION IS FILED BY THE BIRTHPARENT, THE COURT SHALL GRANT THE BIRTHPARENT AN EX PARTE HEARING WITHIN 180 DAYS OF THE FILING OF THE OBJECTION. THE PETITION TO RELEASE THE INFORMATION SHALL BE GRANTED, UNLESS AT THE HEARING THE COURT DETERMINES BY CLEAR AND CONVINCING EVIDENCE THAT IRREPARABLE HARM TO THE BIRTHPARENT WILL RESULT.

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(II) IF AN OBJECTION IS NOT FILED, OR IF THE BIRTHPARENT CANNOT BE LOCATED AFTER REASONABLE EFFORTS HAVE BEEN MADE TO DO SO, THE COURT SHALL GRANT THE PETITION TO RELEASE THE INFORMATION.

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(III) A PETITION GRANTED UNDER THIS SUBSECTION IS FINAL AND THE RESULTING ORDER IS APPEALABLE; HOWEVER, THE RECORDS SHALL REMAIN SEALED PENDING THE APPEAL.

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(B) IN THE CASE OF AN ADOPTION IN WHICH THE FINAL DECREE WAS ISSUED ON OR AFTER JANUARY 1, 1981:

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(1) UPON THE REQUEST OF AN ADOPTEE WHO IS 21 YEARS OLD OR OLDER, AN ADOPTION AGENCY OR THE SOCIAL SERVICES ADMINISTRATION SHALL PROVIDE ANY INFORMATION IN ITS POSSESSION CONCERNING THE ADOPTEE OR THE ADOPTEE'S BIRTHPARENTS, AND ANY OTHER INFORMATION IN ITS POSSESSION WHICH WOULD ASSIST THE ADOPTEE IN LOCATING THE BIRTHPARENTS AND RELATIVES; AND

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(2) THE COURT SHALL ALLOW FOR INSPECTION BY THE ADOPTEE AT ANY TIME AFTER THE ADOPTEE'S TWENTY-FIRST BIRTHDAY OF THE FINAL DECREE OF A PROCEEDING FOR ADOPTION, A DECREE OF GUARDIANSHIP WITH THE RIGHT TO CONSENT TO ADOPTION, OR A DECREE OF LONG-TERM CARE SHORT OF ADOPTION, AND ANY OTHER INFORMATION CONTAINED IN THE RECORDS OF SUCH PROCEEDINGS WHICH WOULD ASSIST THE ADOPTEE IN LOCATING HIS BIRTHPARENTS.

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(C) ANY INFORMATION RELEASED BY AN ADOPTION AGENCY, SOCIAL SERVICES ADMINISTRATION, OR THE COURT IN ANY PETITION OR REQUEST MADE PURSUANT TO THIS SECTION MAY DELETE MATERIAL WHICH, IF DISCLOSED, WILL VIOLATE THE PRIVACY OF ANOTHER PERSON. INFORMATION CONCERNING ADOPTIVE PARENTS NEED NOT BE DISCLOSED.

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(D) IN ANY CASE IN WHICH THERE ARE DELETIONS TO OR DENIAL OF ANY INFORMATION REQUESTED OR ORDERED FOR RELEASE, THE ADOPTEE MAY SEEK JUDICIAL REVIEW.	183 184 185
Article 88A - Social Services Administration	187
[27A.	190
(a) Any institution, agency, society, licensee or person authorized to place a minor for adoption shall, whenever possible, compile and make available to the adoptive parent or parents, a pertinent medical history of the minor's natural parents.	193 194 195 196 197
(b) A medical history compiled under this section may not contain any information that may disclose or permit disclosure of the names or identity of the natural parents.]	199 200 201
27A.	204
(A) IN SECTIONS 27B AND 27C OF THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.	205 207
(B) "ADOPTEE" MEANS A PERSON AS TO WHOM A FINAL DECREE OF ADOPTION HAS BEEN ISSUED, OR A PERSON AS TO WHOM AN ORDER HAS BEEN ISSUED GRANTING TO AN ADOPTION AGENCY GUARDIANSHIP WITH RIGHT TO CONSENT TO EITHER ADOPTION OR LONG-TERM CARE SHORT OF ADOPTION OR BOTH.	208 209 210 211 212
(C) "ADOPTION AGENCY" INCLUDES ANY AGENCY, SOCIETY, LICENSEE, OR PERSON AUTHORIZED TO PLACE A MINOR FOR ADOPTION UNDER THIS SUBTITLE.	213 214 215
(D) "ADULT ADOPTEE" MEANS AN ADOPTEE WHO IS 21 YEARS OLD OR OLDER.	216 217
(E) "BIRTHPARENT" INCLUDES THE PLURAL AND MEANS THE NATURAL OR BIOLOGICAL PARENT OF THE ADOPTED PERSON.	218 220
(F) "CUSTODIAN" MEANS ANY CHILD PLACEMENT AGENCY, PUBLIC OR PRIVATE AGENCY, SOCIETY, HOME, INSTITUTION, LICENSEE, COURT, INDIVIDUAL, OR ADOPTION AGENCY WHICH HAS IN ITS POSSESSION ADOPTION RECORDS, PROCEEDINGS, FILES, IDENTIFYING, OR NONIDENTIFYING INFORMATION.	221 222 223 225
(G) "IDENTIFYING INFORMATION" MEANS INFORMATION, OTHER THAN NONIDENTIFYING INFORMATION, INCLUDING THE NAMES, ADDRESSES, OR BIRTH DATES WHICH MAY LEAD TO THE IDENTIFICATION OF THE BIRTHPARENT.	226 227 228 229
(H) "NONIDENTIFYING INFORMATION" INCLUDES INFORMATION ABOUT THE BIRTHPARENT, EITHER PERSONAL OR OTHERWISE, WHICH DOES NOT LEAD TO THE IDENTIFICATION OF THE BIRTHPARENT.	230 231 233

27B.	235
(A) AN ADOPTION AGENCY SHALL MAKE REASONABLE EFFORTS TO COMPILE THE FOLLOWING NONIDENTIFYING INFORMATION:	236 238
(1) A DETAILED MEDICAL HISTORY OF THE ADOPTEE'S BIRTHPARENTS;	239 240
(2) A DETAILED PERSONAL HISTORY OF THE ADOPTEE'S BIRTHPARENTS WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:	241 243
(I) THE AGE OF THE BIRTHPARENT AT THE TIME OF THE ADOPTION;	244 245
(II) THE NATIONALITY, ETHNIC BACKGROUND, RACE, AND RELIGION OF THE BIRTHPARENT;	246 247
(III) THE EDUCATIONAL BACKGROUND AND ANY TALENTS, HOBBIES, OR SPECIAL INTERESTS OF THE BIRTHPARENTS;	248 249
(IV) THE GENERAL PHYSICAL APPEARANCE OF THE BIRTHPARENT, INCLUDING HEIGHT, WEIGHT, COLOR OF HAIR, EYES, SKIN, AND ANY OTHER GENERALLY DESCRIPTIVE FEATURES;	251 252 253
(V) ANY OTHER CHILD OR CHILDREN BORN TO THE BIRTHPARENT PRIOR TO THE ADOPTION; AND	254 255
(VI) THE REASON FOR THE RELINQUISHMENT OF THE ADOPTEE, INCLUDING A LETTER FROM THE BIRTHPARENT, IF THE BIRTHPARENT SO DESIRES.	256 257 258
(B) THE ADOPTION AGENCY SHALL ENCOURAGE, RECEIVE, AND MAINTAIN IN ITS FILES, UPDATED MEDICAL AND PERSONAL INFORMATION FROM BIRTHPARENTS, ADOPTIVE PARENTS, AND ADOPTEES, WHICH MAY INCLUDE ADDRESSES AND COMMUNICATIONS.	259 260 261 262
(C) THE NONIDENTIFYING INFORMATION COMPILED UNDER SUBSECTIONS (A)(1) AND (2) OF THIS SECTION SHALL BE MADE AVAILABLE BY THE ADOPTION AGENCY TO THE ADOPTIVE PARENT AT THE TIME OF ADOPTION OR TO THE ADULT ADOPTEE UPON REQUEST.	263 264 265
THE ADOPTION AGENCY MAY NOT DISCLOSE ANY IDENTIFYING INFORMATION WHEN PROVIDING INFORMATION UNDER THIS SUBSECTION. HOWEVER, IDENTIFYING INFORMATION SHALL BE RELEASED TO AN ADULT PURSUANT TO ARTICLE 16, SECTION 89(B) OF THE CODE.	266 267 268
(D) SUBSEQUENT TO AN ADOPTION, THE ADOPTION AGENCY SHALL MAKE AVAILABLE UPDATED MEDICAL AND NONIDENTIFYING INFORMATION TO THE BIRTHPARENT, ADOPTIVE PARENT, OR ADOPTEE AS DEEMED APPROPRIATE BY THE AGENCY FOR THE WELFARE OF THE PARTIES.	269 270 271 272
(E) THE SOCIAL SERVICES ADMINISTRATION MAY PRESCRIBE FORMS FOR USE IN COMPILING THE INFORMATION ENUMERATED IN THIS SECTION.	273 274 275

(F) IF AN ADOPTION AGENCY IS NOT INVOLVED IN THE 276  
ADOPTION, AND IF NEITHER ADOPTIVE PARENT IS RELATED TO 277  
EITHER BIRTHPARENT BY BLOOD OR MARRIAGE, THE COURT SHALL 278  
DESIGNATE AN AGENCY TO GATHER THE INFORMATION REQUIRED BY  
SUBSECTION (A) OF THIS SECTION AND TO DISCHARGE THE DUTIES 279  
OF AN ADOPTION AGENCY UNDER THIS SECTION. 281

27C. 283

(A) AN ADOPTION AGENCY THAT PLACED A CHILD FOR 284  
ADOPTION OR A CUSTODIAN SHALL RETAIN ALL INFORMATION 285  
PERTAINING TO ADOPTION FOR NOT LESS THAN 75 YEARS FOLLOWING 286  
THE DATE OF THE ADOPTION. 287

(B) IF AN ADOPTION AGENCY TERMINATES ITS OPERATIONS IN 288  
THIS STATE OR OTHERWISE CEASES TO EXIST, IT SHALL TRANSFER 289  
ALL ITS RECORDS RELATING TO ADOPTIONS TO THE SOCIAL SERVICES 290  
ADMINISTRATION FOR RETENTION. 291

(C) ANY ADOPTION AGENCY OR CUSTODIAN WHICH MUTILATES, 292  
OBLITERATES, OR OTHERWISE DESTROYS RECORDS REQUIRED TO BE 293  
RETAINED BY THIS SECTION IS GUILTY OF A MISDEMEANOR, AND 294  
UPON CONVICTION, SHALL BE FINED \$500 FOR EACH ACT OF 295  
DESTRUCTION. 296

#### Article 43 - Health 298

19. 302

(a) (1) A certificate or record registered under this 305  
subtitle, may be amended only in accordance with this 306  
subtitle and any regulations thereunder by the [State Board]  
DEPARTMENT of Health and Mental Hygiene to protect the 307  
integrity and accuracy of vital records. 309

(2) In the event of an alteration of any 311  
certificate of birth or death the facts shall be properly 312  
certified to the [State Board] DEPARTMENT of Health and 314  
Mental Hygiene and entered in red ink with the date of the  
amendment and over the signature or initials of an 315  
authorized representative of the [State Board] DEPARTMENT of 316  
Health and Mental Hygiene. 317

(3) Upon receipt of a court order or a certified 319  
copy [thereof] OF A COURT ORDER changing the name of a 320  
person born in this State and upon request of [such] THE 321  
person or his parent, guardian, or legal representative, the 322  
[State Board] DEPARTMENT of Health and Mental Hygiene or its  
authorized agent shall amend the certificate of birth to 323  
reflect the new name. 324

(b) (1) A new certificate of birth shall be made for a 327  
person whenever the Department of Health and Mental Hygiene  
receives proof [satisfactory to it] THAT: 329

(i) [That the] THE previously unwed 331  
 parents of the person have [intermarried] MARRIED subsequent 332  
 to the birth of [such] THE person; [or that a court of 334  
 competent jurisdiction has entered a judgment order or 335  
 decree relating to the parentage or nonparentage or adoption 336  
 of the person.]

(II) A COURT OF COMPETENT JURISDICTION HAS 337  
 ENTERED A JUDGMENT, ORDER, OR DECREE RELATING TO THE 338  
 LEGITIMATION, PATERNITY, OR ADOPTION OF THE PERSON, OR OTHER 339  
 JUDGMENT, ORDER, OR DECREE RELATING TO THE BIRTH OF THE 340  
 PERSON;

[(ii) That, when] (III) WHEN no father is 342  
 named on the certificate of birth, the father of the person 343  
 has acknowledged himself, by affidavit, to be the father and 344  
 the mother of the person has consented by affidavit to this 346  
 acknowledgment[.]; OR

[(iii) That the] (IV) THE person was born 348  
 in Maryland and the legitimation, adoption or other court 349  
 action specified in paragraphs (i) and (ii) above took place 350  
 in Maryland or outside of Maryland. In its discretion the 351  
 Department of Health and Mental Hygiene may also issue new 352  
 certificates of birth for persons born outside of the United 353  
 States if the legitimation, adoption or other court action 354  
 specified in paragraphs (i) and (ii) above took place in 355  
 Maryland.

[(2) No new certificate of birth shall be 357  
 established, if so requested by the court decreeing the 358  
 adoption, or the adoptive parents, or by the adopted person, 359  
 if of legal age.] 360

[(3)] (2) The new certificate shall be in the 362  
 form prescribed by the [State Board] DEPARTMENT of Health 363  
 and Mental Hygiene, and shall be prepared on the following 364  
 basis: [Such] THE person shall be treated as having had at 365  
 birth the status subsequently acquired or established and of 366  
 which proof is submitted; where [such] THE person is 367  
 illegitimate and paternity has been established by legal 368  
 proceedings the name of [such] THE father shall be inserted; 369  
 where [such] THE person has been adopted the name of [such] 370  
 THE child shall be that fixed by the decree of adoption and 371  
 the [foster] ADOPTIVE parents shall be recorded as the 372  
 parents of [such] THE child.

(3) A NEW CERTIFICATE OF BIRTH MAY NOT BE 373  
 ESTABLISHED IF REQUESTED BY THE COURT DECREERING THE 374  
 ADOPTION, THE ADOPTIVE PARENTS, OR THE ADOPTEE, IF OF LEGAL 375  
 AGE. 376

(4) (I) When a new certificate of birth is made,	378
the [State Board] DEPARTMENT of Health and Mental Hygiene	379
shall [substitute such]:	380
1. SUBSTITUTE THE new certificate of	381
birth for the certificate then on file, if any[. The State	382
Board of Health and Mental Hygiene shall place];	384
2. PLACE the original certificate of	385
birth and all papers pertaining to the new certificate of	386
birth under seal[. Such seal shall not be broken except by	387
order of a court of competent jurisdiction or on written	388
order of the authorized agent of the State Board of Health	389
and Mental Hygiene. Thereafter, when a certified copy of the	390
certificate of birth of such a person is issued, it shall be	391
a copy of the new certificate of birth, except when an order	392
of a court of competent jurisdiction shall require the	392
issuance of a copy of the original certificate of birth.];	392
AND	393
3. ISSUE AS A CERTIFIED COPY OF THE	394
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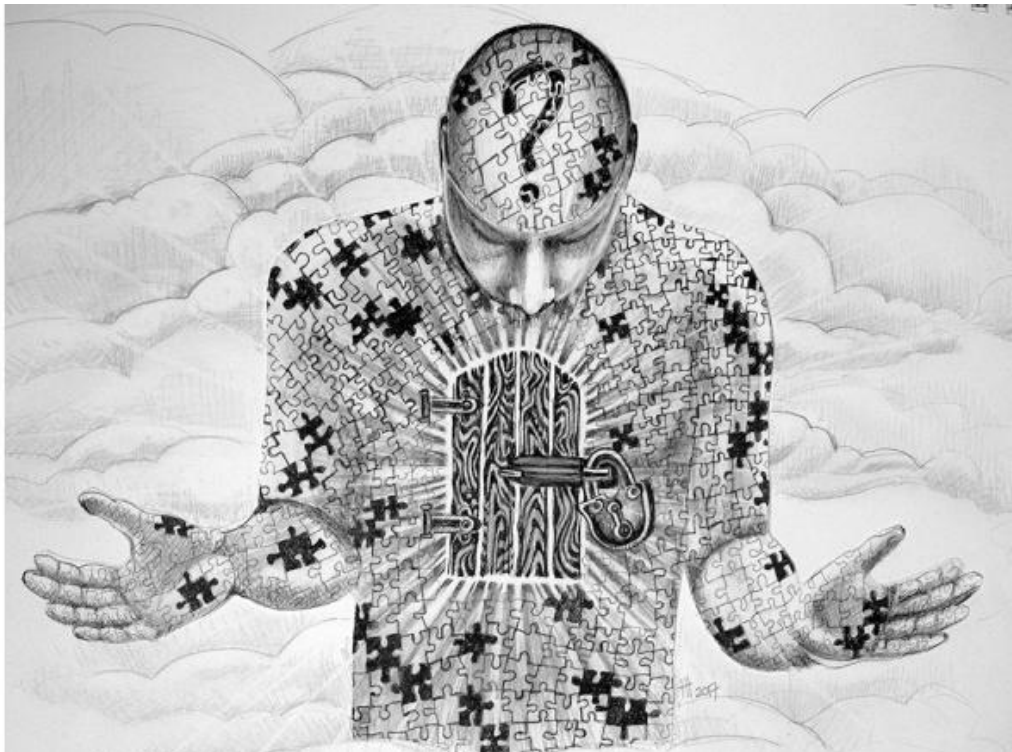
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## **Oregon's adoptee rights initiative, 20 years on |**

Uploaded by: Klappenberger, Peggy

Position: FAV





*(Illustration by Helen Hill)*

# Oregon's adoptee rights initiative, 20 years on

COMMENTARY | The 1997 ballot measure to unseal original birth certificates wasn't about exposing birth parents' secrets; it was about rewriting an archaic statute from an era when illegitimate births were shameful

by **Helen Hill** ([/users/helen-hill](#)) | 17 Nov 2017

Twenty years ago, a rag tag team of political neophytes came together to make Oregon legislative history. In the process, they ignited a firestorm of controversy in Oregon and across the country, challenged decades of secrecy and shame, and unlocked the long sealed birth certificates of thousands of Oregon adult adoptees.

The sealing of adoptees' birth certificates began in the 1950s as a way to protect children born outside of marriage from the stigma of illegitimacy. "Bastard" was often the word stamped across the original certificate that listed the name of the true birth mother and father. An amended certificate was created at the time the child was adopted into a

conventional family. The amended certificate stated the names of the adoptive parents as the true biological parents. The original birth certificate, or OBC, was then deep-sixed in the state archives in Salem to be opened only, and rarely, by court order.

The sealing of the OBCs of illegitimate children was originally intended as a compassionate gesture of protection from a lifelong stigma that could prevent them from marrying, getting a decent job or being accepted in society. Through the years, however, our views of birth outside of marriage have drastically changed. Just over 40 percent of births were to unmarried women in 2015, compared to 5 percent in 1960, [according to National Vital Statistics Reports \(https://www.cdc.gov/nchs/data/nvsr/nvsr66/nvsr66\\_01.pdf\)](https://www.cdc.gov/nchs/data/nvsr/nvsr66/nvsr66_01.pdf). Even though the disgrace of birth outside marriage has largely diminished (although to this day, the word bastard is still a stinging insult), the birth certificates of adoptees continue to be sealed in most states.

In November 1997, a loosely organized coalition of Oregon “bastards,” birth mothers and adoptive parents (known as the adoption triad) decided to use the initiative process to overturn the Oregon statutes that required the sealing of adoptee’s OBCs, and allow adult adoptees age 21 and older to access them without a court order. I was the chief petitioner for that ballot initiative, which came to be known as Measure 58. I was adopted as an infant; my OBC is still sealed somewhere in Missouri.

There had been many failed attempts nationwide to introduce a bill to open the sealed records of adoptees, but it proved impossible to ask a legislator to carry water on a largely unknown but potentially contentious issue advantageous to so few constituents. The public generally views adoptees’ desire for the OBC as an invasion of the birth mother’s privacy at best; at worst, a ticket to hunt down a defenseless woman and expose a wasp’s nest of secrets that should remain hidden.

For those of us in the early adoptee rights movement, however, the desire for access to the OBC was never about exposing identities or forcing contacts, but about rewriting an archaic statute held over from a repressive era when illegitimate births were shameful. Many of us had long been frustrated with the “pass the Kleenex,” hand-wringing culture of adoption support groups focused on search and reunion and the emotional morass of hit-or-miss registries. Meeting after meeting involved a roomful of discouraged members tearfully lamenting the difficulty of obtaining information. There were a few searchers with smuggled DMV databases and an underground search network of strategically placed clerical moles, but it was expensive, unreliable and, to be honest, humiliating. Why should we have to beg, buy or steal our own vital information, information that is readily available to every other citizen? Why should our true identity be a state secret? Can we not be trusted with our own information? Instead of complaining, it was time to act.

When we formed the political action committee, we decided to take a radical departure from the usual emphasis on the need to know birth facts for medical, emotional and psychological reasons and present the measure as a pure civil rights issue. We were warned this would be a grave mistake, but we persevered, and, in retrospect, I believe this was the reason we succeeded. It was clearly an abrogation of civil rights to deny a class of citizens access to their own vital information based on the circumstances of their birth, but would the voting public see it that way?

All we needed was 120,000 signatures for our simple measure to be placed before the Oregon voters. It seemed doable; it was 1997, the miraculous World Wide Web was brand-new, and there was already a network of triad members connected through this

thing called the internet. We optimistically hoped it would help us assemble an instant statewide army of signature gatherers.

Adoptees and birth mothers had been among the first to recognize the potential of the Web as a tool for matching those searching for each other. With the privatization of the internet in the mid 1990s, triad members seized and filled the ponderous mIRC and HTML chat rooms that were springing up long before Facebook and other social network sites revolutionized how we organize to find each other. Bastard Nation was perhaps one of the earliest activist organizations to form exclusively on the Internet, using the Usenet newsgroup alt.adoption. Those were heady days as we realized the embryonic possibilities of online political activism. It might take three hours to download a song, but sitting in our homes across the country, we could brainstorm strategies at light speed on actions such as mass burnings of amended birth certificates, building solidarity with adoptees in other countries, and framing letters to newspapers and legislators. The process of toppling the closed-record system and ending years of shame and secrecy had begun.

Using the direct route of the initiative system had never been tried before, but it made sense to take the issue out of the hands of reluctant elected representatives and bring it straight to the people. However, we had no idea how much work this would involve. There were the massive piles of signatures, which proved impossible to get on our own steam (we ended up paying for most of our signatures), inscrutable filing rules and regulations, fundraising, publicity and an ad campaign to organize, and, our most difficult challenge, combatting a negative media image.

Once we succeeded in turning in our signatures and were officially on the ballot, print, radio and television media insisted on presenting the issue as a sensational struggle of adoptees hellbent on destroying the privacy of their birth mothers. As the voting deadline drew near, even Gov. “Dr. No” Kitzhaber came out against Measure 58, as did the Oregon Civil Liberties Union, Catholic Charities, numerous adoption agencies and adoption attorneys. The issue seemed to explode overnight, and we were unwittingly, and sometimes unwillingly, placed in the glare of the media spotlight. There was a constant whirlwind of press both in Oregon and across the country and in Europe, as well. Rolling Stone magazine, The New York Times, Newsweek, Time, France’s Le Nouvelle Observateur, Talk of the Nation, The Today Show – it was hard to keep up with the frenzy of interviews. And nearly all wanted to frame the debate as one of birth mother privacy versus adoptees’ desire to know.

The issue was and is much more complex. At stake in a closed record system is not only the falsified history of adoptees and the sexual shaming of birth mothers, but also the collusion of the state in protecting the secrets a long dominant patriarchal structure wishes to hide. Deep-sixing the record of an unwanted pregnancy can absolve responsibility for the man, but it increases the lifelong shame and burden on the woman. What we as adoptees wanted more than anything was an end to the era of shame and secrecy, both for ourselves and for the women who bore us.

The debate grew unexpectedly bitter and dangerous. I received death threats and also anonymous, dark warnings that the Catholic Church would stop at

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At stake in a closed record system is not only the falsified history of adoptees and the sexual shaming of birth mothers, but also the collusion of the state in protecting the secrets a long dominant patriarchal structure wishes to hide.

nothing to end our effort in order to protect the secret identities of the many “priestly babes,” babies fathered by priests. It was a time for strength and fortitude. In the end, Measure 58 won a convincing 53 percent of the popular vote in the 1998 election, but it took a year and a half of challenges that played out in the Court of Appeals, the Oregon Supreme Court, and all the way up to the U.S. Supreme Court until it was finally allowed to go into effect.

As of June 2000, Oregon adoptees age 21 and older have been able to obtain their original birth certificates, with no exceptions. Birth mothers may attach a Contact Preference Form if they wish, stating if they do or do not want contact or if they want contact through an intermediary. As of 2017, there have been 12,512 sealed birth certificates requested; 11,953 have been opened and issued by the Oregon Bureau of Vital Statistics. Sometimes, as in the case of foundlings, there is simply no original birth certificate. There have been 699 Contact Preference Forms submitted by birth mothers. Of these, 575 requested contact, 37 asked for contact through an intermediary, and 87 requested no contact. Since Oregon’s successful Measure 58, seven more states now have open records: Alaska, Alabama, Hawaii, Kansas, Maine, Rhode Island and New Hampshire.

And for all the controversies and dire warnings, it has been peaceful since Measure 58 went into effect. Nearly 12,000 adult adoptees and counting have been restored the civil right to their vital information, and all parties now have the freedom to make their own respectful decisions regarding contact, or no contact, and the nature of their personal relationships without the state in the middle.

That is how a free society works, and it works well that way.

1 Comment

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**Jim Ansbro**

Helen Hill - You personify  
The Butterfly Effect. What  
started as a simple  
question in Missouri,  
rippled through Oregon, &  
now OBC's are unsealed  
in N.Y. ; the wave  
continues forward !  
Gratefully Yours - Jim in  
S.F. CA

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# **Testimony in support of HB SB331.pdf**

Uploaded by: Klappenberger, Peggy

Position: FAV

## Testimony in support of SB 331

Chairman William Smith  
Judicial Proceedings Committee  
Maryland State Senate  
Annapolis, MD

Chairman Smith,  
Vice Chair Jeff Waldstreicher,  
Members of the committee:

Thank you for hearing testimony this afternoon on SB 331. My name is Peggy Klappenberger and I am an adoptee and life-long Marylander.

I was looking through my baby book the other morning, the one that starts when I was 5 ½ months old, and felt such a mix of emotions. The front of the book says 'All About You' but sadly, it's missing almost the first half year of my life. It really isn't 'All About Me' at all. And the reality is, it will never be. Those first 5 ½ months are gone. Two small photographs and some general information about my schedule are all that I will ever have from that time of my life. Even when this bill passes, there will always be parts of my life that will be unknown to me. That is part of what it means to be adopted. There is profound loss that is never fully realized until we are old enough to know the magnitude. For me, it was so evident upon the birth of my first son who was premature and whisked off to the NICU almost immediately. I barely got to see him, much less hold him and the first thought I had was 'it figures...I've never laid eyes on someone biologically related to me and the universe has decided more time should pass.' It hurt. It was just another layer of indignity in my life. But, as with all the other indignities I have felt, I pushed through it and never let the world around me know how deeply it cut. That is part of what I had learned to do as an adoptee. Push through it. You couldn't change what had been done, it was just how it was. You learn to move beyond things other people couldn't imagine.

As I got older, and the internet opened doors to people I might not otherwise meet – adoptees like myself – I began to see the threads we all had running through our lives. A thirst to know our story. A need to understand where we came from. But the state of Maryland did not allow for us to know this information. In 2000, when the law created the CI program, I signed myself up almost immediately. Sadly, my birth mother did not wish for contact, and because of that, I was still denied any information about my beginning. Someone that signed away any and all rights to me still held the power to deny me even the simplest information of where I was born. I was not a child trying to find this information, I was 30. Now I sit here, almost 49 years old, still asking for the same information. Information my CI had right in front of her as I asked questions. I asked her 'where was I born' and she said Baltimore. I asked for the name of the hospital, and she said she couldn't tell me, but that she was looking at the name, and it was definitely in Baltimore. She knows more about me than I do. I hung up the phone after that call (where I also learned that my birthmother had been married and I had an

older half-brother – information they certainly didn't disclose to my parents when they adopted me) and was angry.

But adoptees aren't supposed to be angry. We are supposed to be grateful. Grateful we weren't aborted. Grateful for any family at all. Grateful we had a birthmother that made such a sacrifice, and gave us the ultimate gift. And I am very grateful for all of those things.

But I have come to realize, I'm also very angry.

I'm angry, that as an adult, I am still bound by the legal framework of adoption to which I was not a party. Angry that the state of Maryland considers the location of my birth to be a state secret that needs to be sealed away. Angry that I am made to feel as less than any other citizen of the state I love so very much. Angry that my voice, for far too long, hasn't been heard. Angry that someone, other than myself, can dictate whether or not I am ALLOWED to see the state issued vital statistic of my own birth.

So I sit here before you, asking you to see us, the adult adoptees, and to acknowledge us. To finally close the donut hole created by the 1999 legislation and restore access to our OBC's.

I would like to close with a quote from Alex Haley – who is memorialized just steps from the State House at the city dock.

“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 knowledge, there is a hollow yearning. No matter what our attainments in life, there is still a vacuum, an emptiness and the most disquieting loneliness.”



# **2021-01-26-md-sb0331-arlc-luce-testimony.pdf**

Uploaded by: Luce, Gregory

Position: FAV



# Adoptee Rights Law Center

[greg@adopteerightslaw.com](mailto:greg@adopteerightslaw.com)

January 26, 2021

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: Testimony in Support of SB0331**

Dear Chairman Smith and Members of the Committee:

I am an attorney and the founder of Adoptee Rights Law Center, a law firm and nationally-recognized resource on legal issues related to adult adopted people, whether those issues relate to identity documents, original birth certificates, or securing U.S. citizenship for intercountry adoptees. I am also the president of Adoptees United Inc., a national nonprofit organization dedicated to educating the public about adoptee rights and to securing equal rights for all adult adopted people. Last session Adoptees United submitted a joint letter from more than 30 organizations and 400 individuals, all in favor of HB1039 and other bills pending across the country, bills that did not go forward generally because of the arrival of COVID-19 and its impact on our country. As you are aware, last session's HB1039 is identical to SB0331, the bill before you today.

Personally, and on behalf of the Adoptee Rights Law Center, I write in strong support of SB0331 and request that you act favorably on the bill. Please report it out as DO PASS from the Judicial Proceedings Committee, without amendment.

Maryland is not unusual in its history of sealing original birth certificates, particularly in cases of adoption and legitimation. First, as in every state, the sealing of pre-adoption birth records was intended to protect adoptive parents, the adoptee, and the newly formed adoptive family. It was not intended to permanently erase a relinquishing parent's name from an adoptee's own birth record. It was also not intended, as it has been used, to enforce a punishing and humiliating secrecy over the adopted person's identity.

The process of sealing original birth records started in California in 1935, when Assembly Member Charles Fisher introduced a bill to seal records because "unscrupulous persons

have obtained access to the adoption records and have blackmailed the adoptive parents by threatening to tell the adopted child it was adopted.” New York followed in 1936, though last year it fully repealed its 83-year-old secrecy law. The District of Columbia and Maryland began sealing pre-adoption birth records in 1937, though court adoption records in Maryland were publicly available until the middle of 1947. Sealing of pre-adoption birth records continued in other states through the 1940s and 1950s, almost always in response to national scandals involving black market trafficking of children for adoption. The unstated reason for sealing adoption-related records was to enforce secrecy over the entire process, largely to hide the shame and coercion that agencies used against young and predominantly white women who had become pregnant out-of-wedlock. That secrecy was also enforced to hide unethical and highly questionable practices that included scientific experimentation on infants who were in the legal custody of prominent national adoption agencies, such as the experimentation on twins and triplets who were separated by agencies for the sole reason of secret “scientific” study. Or pain studies involving shooting infants with rubber band guns to assess the baby’s length and cries. Indeed, a new book released today, *American Baby* by Gabrielle Glaser, outlines in exacting detail how secrecy became the defining feature of adoption, to the horrific detriment of birthparents and their relinquished children.

Experimentation and coercive secrecy aside, the general stated reasons for sealing records in the past was also unrelated to birthparent privacy. Rather, the stated reasons included: 1) to keep records from the public to avoid potential blackmail of the adoptive family; and 2) to seal records to secure an adoptee’s “legitimate” status in society and within the adoptive family, primarily by preventing any future interference from birthparents. Indeed, when a committee of the US Congress considered this issue in 1954, it reiterated that the purposes of sealing records generally was to protect:

(1) the adoptive child, from unnecessary separation from his natural parents and from adoption by persons unfit to have such responsibility;

(2) the natural parents, from hurried and abrupt decisions to give up the child; and

(3) the adopting parents, by providing them information about the child and his background, and *protecting them from subsequent disturbance of their relationships with the child by natural parents.*

Pub. Law 392, 68 Stat. 246 (1954)(emphasis supplied). Sealing of a person’s own birth record was never about enforcing permanent secrecy in a government record by

preventing that person—the adopted person—from later obtaining an unaltered copy of the record as an adult.

This was true in Maryland and in most other states (Kansas and Alaska have never made the original birth record unavailable to an adult adoptee). Many other states did not seal original birth records until much later in the century, with Florida doing so in 1977 and Pennsylvania, one of the latest, in 1984. Most states during the middle of the century followed what was then (and remains today) the best practice, first outlined in 1950 by national child welfare experts and more fully explained by E. Wayne Carp, one of the foremost scholars on the history of sealed pre-adoption birth records:

There is no evidence that child welfare or public health officials ever intended that issuing new birth certificates to adopted children would prevent them from gaining access to their original one. **On the contrary, they specifically recommended that the birth records of adopted children should 'be seen by no one except the adopted person when of age or upon court order.'** This policy, which provided adoptees with the right to view their original birth certificate, was staunchly affirmed by [U.S.] Children's Bureau officials in 1949, who worked out guidelines for a nationwide directive on the confidential nature of birth records with members of the American Association of Registration Executives and the Council on Vital Records and Statistics. They declared that the right to inspect or secure a certified copy of the original birth certificate 'should be restricted to the registrant, if of legal age, or upon court order.'

Carp, E. Wayne, *Family Matters: Secrecy and Disclosure in the History of Adoption*, p. 55 (Harvard University Press: 1998); see also, *The Confidential Nature of Birth Records: Including the Special Registration Problems of Children Born Out of Wedlock, Children of Unknown Parentage, Legitimated Children, and Adopted Children*. Washington, D.C: Children's Bureau and National Office of Vital Statistics, Federal Security Agency, 1949.

Maryland is not alone in its current date-based approach, which currently limits requests for a pre-adoption birth record to adoptions finalized after January 1, 2000 (a flowchart showing how Maryland's current law works is attached, along with what SB0331 will do if it is enacted). But it also would not be alone in restoring an unrestricted right for all adult adoptees to obtain their own birth records. Nine other states, including New York, New Hampshire, Alabama, Colorado, Rhode Island, Oregon, Alaska, Maine, and Kansas, have either restored an unrestricted right for adult adoptees to obtain their own birth record or have never restricted that right in the first place. That these are diverse states with

diverse populations and greatly varied political affiliations speaks directly to how this is a bipartisan and overwhelmingly supported issue. No problems have been reported in any of these states on any issue, whether related to the impact on adoption in the state or on any other “hot button” social or political issues often used against adoptees who seek a basic human right to identity.

It is a mistake to assume that Maryland’s sealing of original birth certificates was intended to secure permanent secrecy. This is historically and irrefutably wrong. I understand, at an emotional level, the repeated response of “what about birthmother privacy?” I hear it every time I discuss this issue. But privacy is vastly different from secrecy and anonymity, two concepts that are impossible to assure in an era of widespread social media and inexpensive DNA matching. More significantly, no one is suggesting that Maryland or any other state open their pre-adoption birth records to the public. SB0331 releases the original birth record to the adult adoptee at age 18, if the adoptee feels compelled to request it at all (many adoptees actually do not request their original birth certificates).

Vague and misplaced notions of “privacy” does not justify shifting control over an adoptee’s own birth record to a person who is not the record’s specific registrant. Only conservators, guardians, or parents of minor children typically have control over another person’s birth record, with the notable exception of adopted people, whose records in a number of states are controlled by the state and, for historically inaccurate reasons, subject to permanent biological parental control. We are not minor children, nor are we incapacitated and in need of a guardian to manage our affairs. I, for one, am a 55-year-old man with a wife and two sons, whose own birth record the District of Columbia sealed after his adoption in 1965 by a couple living 35 miles away from this Chamber, in Silver Spring, Maryland.

Do the right thing in Maryland. Reject an outdated, misplaced, and discriminatory approach of punishing secrecy in adoption. A birth record is the registrant’s own record, to do with as he or she believes is right. Vote DO PASS on SB0331 and restore a right that all Maryland adoptees once had: the right to request and obtain their own pre-adoption birth records, free from government restrictions and alterations, and free from the stigma and humiliation of enforced permanent secrecy.

Best regards,

**ADOPTTEE RIGHTS LAW CENTER PLLC**



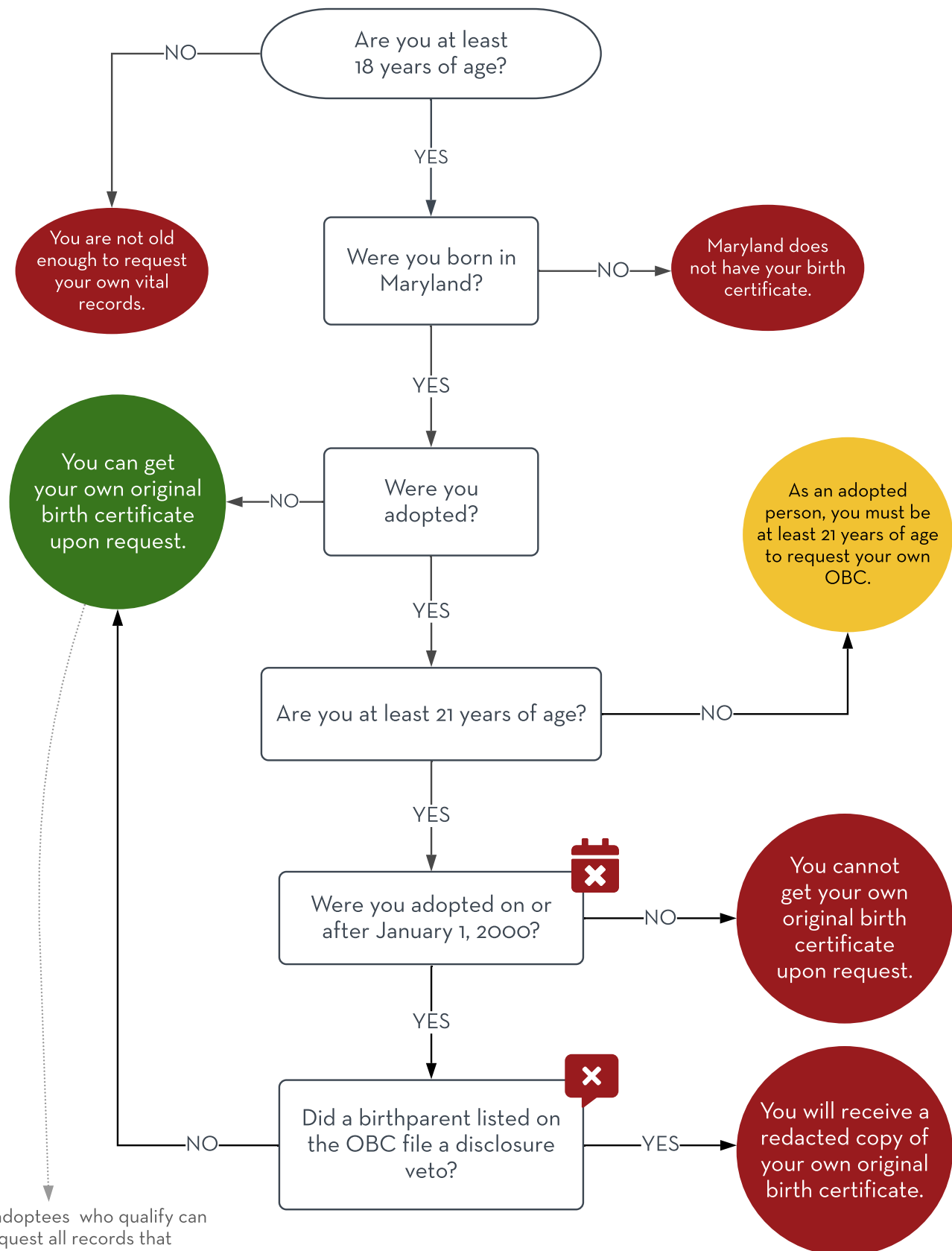
Gregory D. Luce

# **2021-md-sb0331-testimony-luce-attachment.pdf**

Uploaded by: Luce, Gregory

Position: FAV

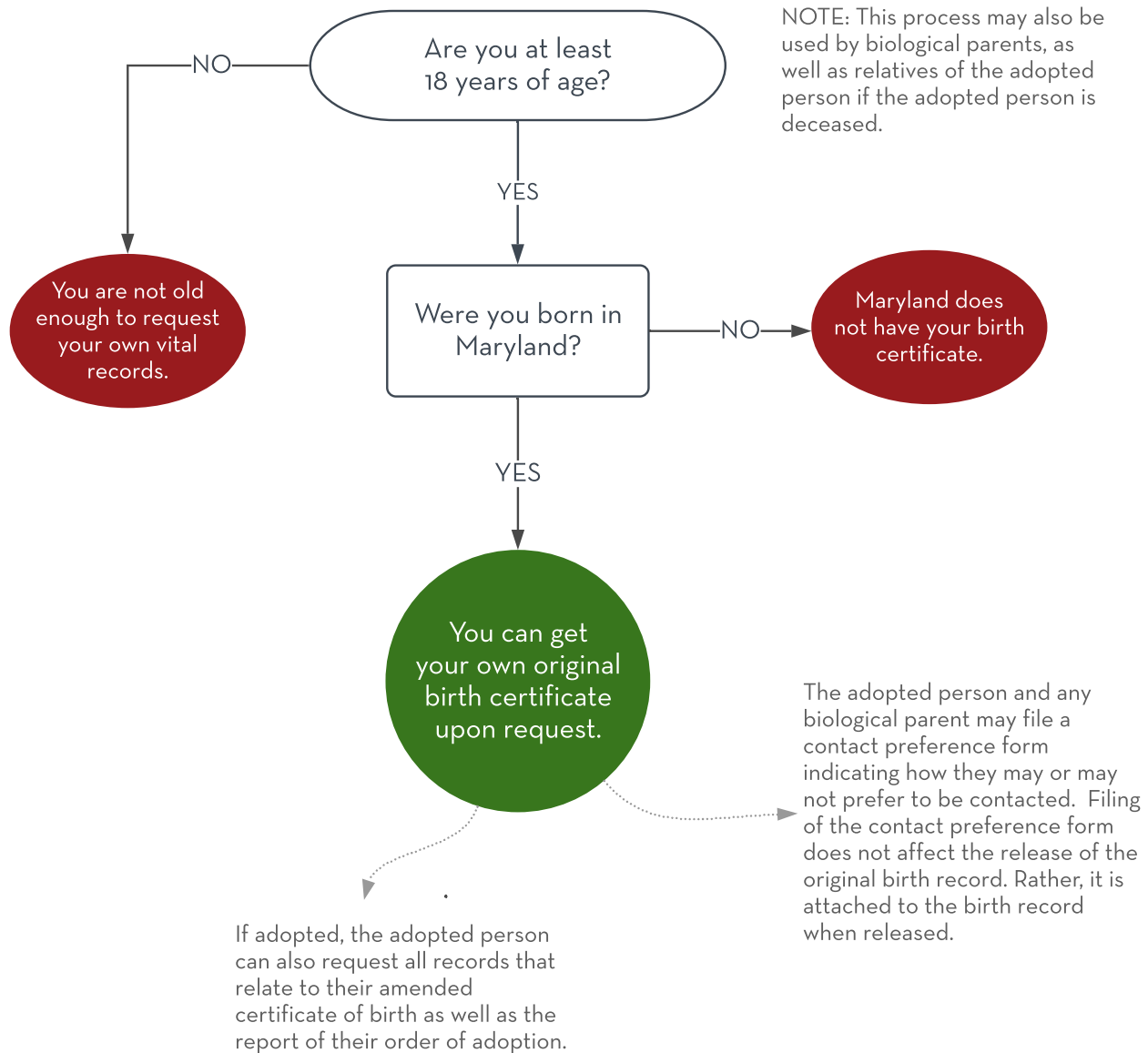
## Current Maryland Law: Adopted Person's Request for the Original Birth Record



Adult adoptees who qualify can also request all records that relate to their amended certificate of birth as well as the report of their order of adoption.



## Proposed Maryland Law (SBO331): Adopted Person's Request for the Original Birth Record



# **AAC.21.support.SB.331.pdf**

Uploaded by: Monti-Wohlpert, Tim

Position: FAV



Maryland Senator Susan C. Lee  
223 James Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

January 22, 2021

Senator Lee and fellow Honorable Members of the Maryland Legislature,

This statement is furnished to express support by the [American Adoption Congress](#) for SB331, a vital human and civil rights proposal which will:

- **Restore unrestricted access** to original birth certificates (OBC) for adult adoptees, just like all citizens and adults who “age-out” of foster care
- **Lower the age** at which an adult adoptee may gain access to their own personally identifying information (to 18+)
- **Transfer any previous, discriminatory disclosure vetoes** to acceptable non-binding contact preferences
- **Allow for non-binding contact preferences** to be filed

At the age of 18, all citizens of Maryland have the legal right to obtain their original birth certificate, except for adopted adults. The American Adoption Congress feels that now, after years of consideration, Maryland is poised to join the nine other states with unrestricted access policy. **This belief is consistent with our [formal legislative policy](#) for clean adoption reform.**

Further, we expect that the proper reform in Maryland will help, as in [New York in 2020](#), lead other diverse states to enact proper reform. The time is now. The right to know one’s identity is a human right that should not be incrementally bestowed or denied to any American.

Birth parents were not promised lifelong anonymity from the daughters and sons they surrendered for adoption. There is no law in Maryland that legally guarantees anonymity to birth parents or birth families. These, and the various other arguments offered by opponents to reform, have been thoroughly refuted with constructive results in other states.

The American Adoption Congress began in 1978. The group officially formed the American Adoption Congress in 1980 with the goal of championing adoptee rights, with emphasis on gaining universal access to original birth certificates for adoptees. The AAC incorporated in 1981 and has been a 501(c)(3), registered in the state of Missouri, since 1982.

We hope this statement may assist. We thank you for the introduction of SB331 and ongoing efforts to advocate for adult adoptee human and civil rights.

Respectfully,

*Tim*

Tim Monti-Wohlpart  
American Adoption Congress  
National Legislative Chair

# **2021-md-sb0331-testimony-nyarc.pdf**

Uploaded by: O'Connell, Annette

Position: FAV



PO Box 382  
Central Valley NY 10917  
coalition@nyadopteerights.org

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

RE: SB0331

Dear Chairman Smith and Members of the Committee:

I write on behalf of the New York Adoptee Rights Coalition (NYARC) regarding Maryland's SB0331. As you may have heard, New York State recently enacted legislation that secures an adult adoptee's right to obtain an unredacted, certified copy of their original birth certificate (OBC) at age 18. NYARC was instrumental in securing this legislation.

Adult adoptees are the *only* group of people who are denied access to the state's original record of their birth. We are denied this document not because we were relinquished or because our parent(s) had their rights terminated for just cause; but because we were adopted. OBCs are only changed and sealed upon adoption. This fact is true regardless of what year we were adopted. This is true in infant, step-parent, intercountry, and foster care adoptions. Had a person not been adopted but, instead, aged out of the foster care system their name and birth certificate would never have been changed. Critical to note is that every child in foster care, like adoptees, was also relinquished or their parent(s) had their rights terminated for just cause.

Obtaining one's OBC is about dignity and equality under state law. It is not about searching for one's biological family. Adopted adults, certainly, don't need the record of their birth to locate family. They need only spit in a vial or swab their cheek. I, personally, have helped upwards of 100 people locate their biological families using consumer DNA testing and public records. The people I have helped range in age from 21 to 83. In a technological world of social media and consumer DNA testing, I assure you that ensuring anonymity for anyone is all but impossible.

There are, approximately, six million adopted people in the United States. We are your neighbors, friends, and family members. We represent first responders, teachers, military, union workers, corporate professionals, and even legislators. We represent every religion, political party, sexual orientation and gender. Imagine if Maryland's current law stated that military personnel/first responders/teachers/LGBTQ/etc., must secure a court order in order to access their original birth certificate. Further imagine if there were age restrictions on such legislation. Marylanders would never stand for such discrimination. We ask that you not stand for it either.

It is our hope that Maryland will, like New York, allow ALL adults born in the state to be able to apply for and receive a copy of their original birth certificate without restrictions or court orders. We hope that you will join New York and the eight other states (Alaska, Alabama, Colorado, Kansas, Maine, New Hampshire, Oregon, and Rhode Island) who allow for complete adoptee equality. You have the potential to get it right and make it equal in Maryland. It is our hope that you make history happen in your great state, just as we did in New York.

Respectfully,

A handwritten signature in black ink, appearing to read "Annette O'Connell".

Annette O'Connell - Spokesperson

# **SB0331 MD NARAL SUPPORT.pdf**

Uploaded by: Philip, Diana

Position: FAV



## **SB0331 - Access to Birth and Adoption Records and Search, Contact, and Reunion Services**

Presented to the Honorable Will Smith and Members of Judicial Proceedings Committee

January 26, 2021 1:00 p.m.

---

### **POSITION: SUPPORT**

NARAL Pro-Choice Maryland **urges the Senate Judicial Proceedings Committee a favorable report on SB0331 - Access to Birth and Adoption Records and Search, Contact, and Reunion Services**, sponsored by Senator Susan Lee.

Our organization is an advocate for reproductive health, rights, and justice. Adoption provides birth parents with an alternative to parenting and in turn provides adoptive parents with an alternative to pregnancy and childbirth. To ensure that adoptees have full access to personal information about their health and family health history, we must expand adoptees' rights to include access to their original birth certificate. NARAL Pro-Choice Maryland believes that expanding adoptees' rights is a reproductive justice issue.

Though adoption can be a healthy option for all parties involved, attitudes surrounding adoption are often ones of secrecy and shame. These harmful attitudes are misguided. Open adoption—a form of adoption which allows birth parent(s) to have contact with adoptive parent(s) and the child—has numerous benefits for everyone involved. While open adoptions still legally give permanent rights and responsibilities to adoptive parents, adoptive parents in these situations can work with birth parents to determine what type and amount of contact with the adoptee is best for the child and family.<sup>1</sup> Further, like non-adopted children, adoptees should have the opportunity to learn about their birth families and ancestry, both of which are important to an individual's identity formation.<sup>2</sup> However, closed adoptions mandate that adoptees in Maryland cannot access their original birth certificate, and instead receive an amended birth certificate with their adoptive parents' names listed as the birth parents.<sup>3</sup> This provides adoptees with inaccurate information regarding their ancestry and prohibits adoptees from accessing important information about their birth family's health history. Restricting adoptees' access to such information inhibits their ability to learn about potential health concerns and to discuss such concerns with medical care providers.

SB0331 will ensure adoptees in Maryland receive the same access to basic information about themselves as Marylanders who were raised by their birth parents. The legislation calls for the creation of a contact preference form for both the biological parent as well as the adoptee, setting the parameters of that contact. If allowed knowledge of and contact with birth parents, or certain kin if the parents are deceased, adoptees as young as 18 years of age can learn about their origins during a critical time of personal identity formation. Like any other individual, adoptees have a right to know about their own personal and medical histories. Adoptee justice is reproductive justice. For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0331**. Thank you for your time and consideration.

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<sup>1</sup> Child Welfare Information Gateway, and Office of Population Affairs. "Open Adoption: Could Open Adoption be the Best Choice for You and Your Baby?" PDF. Washington, D.C., n.d. <https://www.childwelfare.gov/pubPDFs/openadoption.pdf>

<sup>2</sup> NJCARE. "History - Open Records Bill for Adoptees." NJCARE: New Jersey Coalition for Adoption Reform & Education, July 5, 2016. <http://www.njcare.org/bill-history/>.

<sup>3</sup> "Linda Clausen: Maryland Must Change Its Adoption Laws to Allow Access to Birth Certificates." Capital Gazette, January 5, 2020. <https://www.capitalgazette.com/opinion/columns/ac-ce-column-clausen-20200105-qngkzngobfd6de4it6xeti24yy-story.html>.

# **Maryland SB 331 2021.pdf**

Uploaded by: Samuels, Elizabeth

Position: FAV



Members of the Senate Judicial Proceedings Committee  
Maryland General Assembly  
January 19, 2021

Elizabeth J. Samuels  
Professor of Law Emeritus  
University of Baltimore School of Law  
1420 North Charles Street  
Baltimore, MD 21201-5779  
esamuels@ubalt.edu

**RE: Support for Senate Bill 0331**

Members of the Judiciary Committee,

I write in support of Senate Bill 0331, the adoptees' rights bill. I am a professor emeritus at the University of Baltimore School of Law, where the subjects I have taught include constitutional law and family law. Since the 1990s much of my research and writing has focused on adoption law, including the history and current state of the law governing adoption records. Citations to this work are provided below.

In summary:

With this Act, the State can join the steadily increasing number of states that have successfully restored the right of adult adoptees to access original birth certificates.<sup>1</sup> The lawmakers in these states have recognized what an accurate history of adoption records demonstrates: birth parents have never been guaranteed lifelong anonymity by federal or state constitutions or by state laws.

Birth mothers during the last century were not given a choice about whether to remain forever unknown to their children. To the contrary, they neither retained nor received any rights. Records were closed to protect adoptive families. Birth mothers understood, and commonly promised in writing, that *they* were not to seek information about their children. When birth mothers desired confidentiality, they sought to conceal their pregnancies either from their families or their communities rather than to conceal their identities forever from their children or to deny themselves any chance of learning how their children fared in life.

That history is consistent with today's realities. Openness is now the norm in domestic infant adoption; birth parents are more open to placing their children *if* there will be some degree of openness. Studies and surveys conducted since the 1980s show that overwhelmingly large majorities of birth parents, up to 95 percent and above, approve of access and are open to various kinds of contact with their children. Many birth parents as well as adult adoptees spend years, and considerable sums of money, searching for information about one another. Many of them are successful in their searches, as countless media stories attest. More and more are finding family connections in popular DNA databases. But other adult adoptees remain frustrated because they lack access to their original birth certificates.

In greater detail:

**1. There is no guarantee of lifelong anonymity for birth parents.**

As federal and state courts found in cases challenging restored access, lifelong anonymity has not been guaranteed by federal or state constitutions or by state laws sealing court and birth records. And confidentiality has not been promised in the agreements that birth mothers entered into when they surrendered their children

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<sup>1</sup> Two states, Alaska and Kansas, have never denied adult adoptees access to original birth certificates. Access for all adult adoptees has been restored in ten states: Alabama, Colorado, Hawaii, Maine, New Hampshire, New York, Oregon, and Rhode Island. Access for almost all adult adoptees has been restored in ten states: Arkansas, Delaware, Illinois, Indiana, New Jersey, Missouri, Ohio, Pennsylvania, Tennessee, and Washington.

for adoption. Adoption records have been accessible by court order without notice to birth parents. It has typically been up to the adoptive parents, not the birth parents, whether to change the child's name (and often even whether to have an amended birth certificate issued). In many adoptions, the adoptive parents received copies of documents with identifying information about the birth mother.

When the first two states restored access for adult adoptees -- Tennessee and Oregon -- their laws were unsuccessfully challenged in the courts. The Oregon courts held that under state and federal constitutions, restoring access neither unconstitutionally impairs the obligation of contract nor invades a guaranteed privacy right. Oregon's adoption laws never "prevented all dissemination of information concerning the identities of birth mothers. At no time in Oregon's history have the adoption laws required the consent of, or even notice to, a birth mother on the opening of adoption records or sealed birth certificates." A birth mother does not have "a fundamental right to give birth to a child and then have someone else assume legal responsibility for that child .... Adoption necessarily involves a child that already has been born, and a birth is, and historically has been, essentially a public event."

Opponents of the Tennessee law argued unsuccessfully in federal court that the law violates constitutional rights of birth mothers to familial privacy, reproductive privacy, and the non-disclosure of private information. In subsequent state court litigation, the Tennessee Supreme Court upheld the statute, deciding under the state constitution that the law neither impaired birth mothers' vested rights nor violated their right to privacy. The court noted that early state law did not require sealing records, and that later law permitted disclosure upon "a judicial finding that disclosure was in the best interest of the adopted person and the public" with no requirement that birth parents be notified or have an opportunity to veto contact. The court found that "[t]here simply has never been an absolute guarantee or even a reasonable expectation by the birth parent" that records would never be opened.<sup>2</sup>

## **2. Choices were not offered to birth parents, and promises were not made to them in surrender documents.**

Opponents of adult adoptee access to original birth certificates have never produced a copy of a document that promises a birth mother even confidentiality on the part of the agency. This fact inspired me to investigate what the surrender agreements did provide. I collected documents from birth mothers who had been given copies of the documents they signed; many birth mothers were not. I analyzed 77 documents signed by birth mothers from the late 1930s to 1990, the date the last state passed a law denying access to adult adoptees. These documents' provisions are similar from decade to decade and from state to state.

The birth mother surrenders all of her parental rights and is relieved of all of her parental obligations. She does not retain or receive any rights. While an adoption of the child is an aim of the surrender, there is no promise that the child will be adopted. Many documents spell out the possible alternatives of foster care or institutionalization. The birth mother has no right to notice of any future proceeding and therefore will never know if the child is successfully adopted. If the child is not adopted, there will be no amended birth certificate.

None of the documents promise the birth mother confidentiality or lifelong anonymity, the latter of which an agency of course could not guarantee. Responsible adoption services providers have known at least since the 1970s that adoption experts increasingly supported adult adoptee access to information and that legislative efforts were underway to restore access in those states in which it had been foreclosed.

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<sup>2</sup> The quotations in this and the previous paragraph are taken from and cited in pages 432-434 of my 2001 article, which is cited at the end of this testimony.

Forty percent of the documents do contain promises about future access to information or future contact. *It is the birth mother who promises that she will not seek information about the child or interfere with the adoptive family.*

### **3. Birth mothers who sought confidentiality were not seeking lifelong anonymity.**

As a commission appointed by the governor of Maryland found in 1980, the birthmother “had no choice about future contact with her relinquished child;” “[s]ecrecy was not offered her, it was *required* . . . as a condition of the adoption.” The evidence is that birth mothers sought confidentiality to conceal their pregnancies from their families or from members of their communities.

### **4. Records were closed to protect adoptive families.**

When adoption records around the United States gradually were closed to inspection by the parties to the adoption as well as to the public, they were closed to protect adoptive families’ from the stigma of illegitimacy, to protect their privacy, and to protect them from possible interference or harassment by birth parents.

In the 1940s and 1950s, many states followed the recommendation of adoption and vital statistics experts to make adoption court records, and original birth certificates, generally available only by court order, but to keep original birth records available on demand to adult adoptees. That was the recommendation of the first Uniform Adoption Act, promulgated in 1953. Similarly, the position of the United States Children’s Bureau was that an adopted adult has a “right to know who he is and who his people were.”

Despite the experts’ recommendations, many states did begin to close original birth certificates to adult adoptees as well as others. By 1960, 26 states had done so, although in a few of those states, court records remained available for some time after that date to either adoptive parents or adult adoptees or both. In the states in which access to court and birth records had become available only by court order, the reason given for closing records to the parties was the need to protect adoptive families, not birth parents.

Of the states that in 1960 still recognized adult adoptees’ right to original birth certificates on demand, four states closed the original birth records in the 1960s, six states closed them in the 1970s, and seven more did so only after 1979. Alabama was the last state to pass a law foreclosing access, in 1990; in 2000 it restored access.

### **5. Restoring access has proved beneficial.**

States’ legal systems in which adult adoptees have access to their original birth certificates are operating successfully, including those systems in which records have always been open and those systems in which formerly closed records have been opened to adult adoptees. In all of those states, adult adoptees are not arbitrarily separated into two groups -- adoptees who are able to find information about their origins without access to their birth certificates and adoptees who cannot. Birth parents in a number of those states have been afforded a means, contact preference forms, that they formerly lacked to alert adult adoptees about their wishes; adult adoptees have obtained fundamental information about themselves; and in cases in which adoptees and birth relatives have wished to meet and become acquainted, access has led to countless fulfilling reunions.

Related references:

*Surrender and Subordination: Birth Mothers and Adoption Law Reform*, 20 Michigan Journal of Law and Gender 33 (2013). (Available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2233400](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2233400).)

*The Strange History of Adult Adoptee Access to Original Birth Records*, 5 *Adoption Quarterly* 63 (2001). (Available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1281475](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1281475).)

*The Idea of Adoption: An Inquiry into the History of Adult Adoptee Access to Birth Records*, 53 *Rutgers L. Rev.* 367-437 (2001). (Available at [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=275730](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=275730).)

[\*How Adoption in America Grew Secret\*](#), Op-Ed, *Wash. Post*, Oct. 21, 2001, at B5.

## **Adoption SB 331.pdf**

Uploaded by: Smith-White, Barbara

Position: FAV

Good afternoon. I am here to speak in support of **SB 331**. However, my story is a little different from others. I know and have always known who gave birth to me. But Maryland adoption laws in the 1950's sealed my original birth certificate and there are some unintended consequences, which I want to explain.

I was born in Baltimore City in 1952. My mother, Alice, died after giving premature birth to my sister in 1954. I had my third birthday 5 months later. Loving relatives on both sides of the family helped my dad care for my baby sister and me until he remarried in 1955. My "new" mom, Kass, had had a hysterectomy 5 years prior to this marriage and thought that my "dad and the girls were a gift from heaven above". In her words to me later in life, she wanted to officially adopt us because my dad's business required him to travel and should anything ever happen to him, she didn't want us to be taken away from her. A decree of adoption was issued for my sister and me to my father and mom June of 1956 in the Circuit Court for Baltimore County. The adoption decree meant that my birth certificate would be "amended" to reflect Kass as my birth mother. To this day, I have never been able to obtain my original birth certificate, despite my appeal to the Circuit Court for Baltimore County in 2013 that contained many documents supporting the information you've just heard.

Five years ago, my grandson was born with Spinal Muscular Atrophy, which is the leading *genetic* cause of death in infants. My grandson died in November of 2019 having just turned 5 years old. Our family had never heard of this neuromuscular disorder nor was there any history of this genetic condition in the family that we knew of. However, I apparently am a carrier of this gene. It is critical that there be open access to original birth certificates for my future generations who may need to better understand their own medical conditions. It would be an injustice to have them research the genealogy and medical history of Kass and not that of my birth mother, Alice.

In closing, I want to make it clear that though I've always had knowledge of my biological parents, it is nonetheless a travesty of justice that the only birth certificate I have gives the incorrect information as to which woman gave birth to me. I fail to understand why there cannot be two legal documents, one that accurately has Alice giving birth to me, and one that decrees Kass as my adoptive mother?

**SB 331** would hopefully solve this issue for me and many others seeking to obtain what is rightfully ours as citizens.....an accurate, legal and official birth certificate.

I very much appreciate your thoughtful and deliberate consideration of **SB 331**.

**Barbara Smith-White**  
2466 Shadywood Circle  
Crofton, MD 21114  
brksw01@gmail.com (**Access OBC Maryland**)

# **2021-md-sb0331-testimony-stephens.pdf**

Uploaded by: Stephens, Alice

Position: FAV

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Chairman Smith and Members of the Committee:

I am a Korean adoptee, long-time resident, and voter of Maryland writing in support of SB0331 because knowing where, when, and to whom you were born is vital information that should be available to every human being on this planet.

We say that the sins of the parents should not be visited on the children, but that is exactly what is done when adult adoptees are refused the right to know the very basics of their origins. We say that children should not be made to suffer for their parents' mistakes, but that is what happens when adopted children are denied the basic building blocks of identity.

By denying access to original birth certificates, the state of Maryland tells adult adoptees we are second class citizens, unequal in the eyes of state law. Please grant adoptees their basic civil rights and pass these important bills.

Alice Stephens  
Silver Spring, Maryland  
waqap@yahoo.com



# **2021-md-sb0331-ccar-collected-testimony.pdf**

Uploaded by: Stricker, Susie

Position: FAV



January 26, 2021

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Chairman Smith and Members of the Committee:

I am the spokesperson for the Capitol Coalition for Adoptee Rights and a Maryland adoptee. CCAR is a coalition of organizations and allies in the District of Columbia, Virginia, and Maryland, working to secure equal rights for all adult adopted people who were born or adopted in the region. It supports passage and enactment of SB0331. While I have submitted my own personal testimony in support of SB0331, CCAR has also collected testimony from individuals from across the state and country who are impacted by this bill. Those written testimonies are attached.

Thank you for your service and for your consideration of SB0331, which we ask that you vote in favor of passage.

Best regards,

Susie Stricker  
Spokesperson  
Capitol Coalition for Adoptee Rights  
[capitoladoptees.org](http://capitoladoptees.org)

*Partner Organizations:* Maryland Adoptee Rights; Adoptee Rights Law Center; American Adoption Congress; Bastard Nation. *Strategic Partners:* New York Adoptee Rights Coalition; Texas Adoptee Rights Coalition

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Chairman Smith and Members of the Committee:

As you sit in this room, you may consider the privileges life has afforded you. Whether that be the ability to have access to good food, an education, or a job. But there is one type of privilege that goes unspoken. It is non-adoptive, or biological identity privilege. I am a Maryland adoptee. I was born in Baltimore, Maryland. Or, so it states on my amended birth certificate provided to me six years after my birth through adoption. It may seem small but I have come to know this information is inaccurate. Yet, denied any basic information about my life, I held onto any minute detail and built my whole life story around it. Much of what I was given to serve as the foundation for my life was inaccurate, and I felt as though I was living a lie my entire life. The details are not mine. To experience this is to feel as though the government has no respect for my identity as a person. I do not matter to this country.

As an adult I was able to take a DNA test. Thanks to science, the human right to know my identity has been provided to me. Sites like Ancestry and 23 and Me allow for adoptees to connect with people we know are our genetic relatives. However, without our original birth certificate we are still not made whole. It is dehumanizing to have to spend hundreds of dollars and endless hours trying to connect the dots. Throughout this process, we are treated as criminals for a crime we did not commit, and an agreement we had no legal decision over.

The adoptee experience is not something that can be fully comprehended by those who have not lived it. We are humans, like non-adoptees, who deserve equal rights as protected by this country. It is time Maryland remove antiquated restrictions and allow adoptees their original birth certificate. While society tends to infantilize the adoptee, we do not remain children our entire lives. At 18, we are deserving of all information that is rightfully ours. I ask that you bring our country into modern times and vote 'yes' on SB0331.

Thank you,

Christina Ritter  
Maryland Adoptee  
christina-ritter@hotmail.com

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

RE: SB0331

Dear Chairman Smith and Members of the Committee:

My name is Damon L. Davis and I'm am the host and producer of the adoptee focused "Who Am I Really?" podcast (<https://www.whoamireallypodcast.com>). I've interviewed nearly 150 adoptees about their journeys through adoption. Those who have expressed an opinion about having access to their original birth certificate (OBC) on the show, over social media, or in emails to me have unanimously stated OBC access should be open to adoptees upon request. I am an adoptee with a missing piece of my life that I wish I could see: my OBC. That document is a testament to the person I was when I was born, while I was in foster care, and before I was adopted -- months of my life that I cannot account for at all. It's an extremely personal document. If I were never born, that document would not exist.

Seeing one's OBC might seem inconsequential, but the truth is that piece of paper is the beginning of my personal history -- it is the very first recording of my existence. Adoptees' birth certificates rightly belong to us, just as yours belongs to you.

Open access to their original birth certificate should be an adoptee's right under Maryland law. **I respectfully request the members of the Committee vote YES for the passage of SB0331.** You will be part of an historical change impacting adoptee rights. Adoptees born in Maryland, who reside across the nation and around the world, will be deeply grateful.

Thank you in advance for your consideration and your vote.

A handwritten signature in black ink, reading "Damon L. Davis". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Damon L. Davis  
Host/Producer  
Who Am I Really? podcast  
[www.whoamireallypodcast.com](https://www.whoamireallypodcast.com)

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Chairman Smith and Members of the Committee:

It is essential that adult adoptees have access to their information. Denying us that is thoughtless and cruel. Please allow us the same rights as other adults.

I am a 62 year young adult adoptee that was trafficked out of Maryland in 1958, happily raised in NY, reunited with BirthMother at 20, and later on, siblings. While I was content with my Adoptive family, succeeding at the uphill task of locating biological family is a life changing joy. Unfortunately he who Fathered me died before I could introduce myself. His nieces said he would have welcomed me happily.

Please allow adult Adoptees access to their truths, it means the world.

Thank you,

Roxan Drimner Chen  
roxan921@aol.com

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Sirs, or Madam,

My name is Paul Edwin Belsinger. I was adopted on December 09, 1953 in Baltimore Maryland. My adopted parents are Myrtle Mae Crafton/Belsinger and Victor Riland Belsinger. Through my investigation with Ancestry DNA, I have established my true biological family on my biological mothers side. The family last name is Carver. There are several Carver sisters who's biological mother is Dorothy Alexandria Ruder and biological father is Adrian John Carver. These are my matriarchal grandparents. All of these individuals have passed away as far as I can determine. I have been able to eliminate several of the siblings whose parents are Dorothy and Adrian Carver but not all.

The identity of my biological father is still unknown and may well possibly be related to the Yaryan family. I have a strong DNA connection to the Yaryan family. I cannot find a reference or DNA connection within the Carver or Ruder lineage for Yaryan so I am suspecting the Yaryan lineage may prove to be on the patriarchal side of my heritage.

The only way to determine this for certain is if I can be allowed access to my original birth certificate. As you know the adoption birth certificate retains certain information relating to the birth parents, ie. age place of birth or residence, how long the birth mother stayed in Baltimore prior to the birth, living siblings, possibly place of employment for the birth father. The only information which appears to have been changed is the names of the biological parents having been substituted with the adoption parents.

On the maternal side I have made contact with some of the Carver relatives. Little information can be obtained from them for various reasons but predominantly the lack of any knowledge of the circumstances of my birth. Once the relatives I've contacted can see through Ancestry.com the relationship I have been accepted into the family of the Carvers to a limited degree.

This has been a long road for me. Maryland being considered a closed state when it came to adoption records after 1948.

Paul Belsinger  
New Llano, Louisiana

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

RE: SB0331

Dear Chairman Smith and Members of the Committee:

My name is Janice (Kelch) Vincent and I am an adoptee. I was adopted through Baltimore County Social Services when I was almost 6 months old.

I don't ever remember a time when I did not know that I was adopted. I was told that my birth mother was unable to give me the care she wanted and that she loved me so much, she wanted me to grow up in a home that could provide for all my needs.

When I was 4 years old, my mom received a phone call and then told me we were going to get a baby brother the next day. For a few years, I thought you just drove to Towson to get a baby.

My adoption papers only show a birth history of a Protestant background. Sadly, no health or other information. As my own children got older, they were curious about medical history. Our doctors told us that medical science was so advanced we did not have to be concerned.

In 2002 my husband and I moved to our current address and through the years, I learned that my next door neighbor happened to be adopted. Around 2014, she was told that she could now legally access her original birth certificate. She did and her family received a lot of background and health information.

Curious, I thought I would look into getting my OBC. Sadly, I learned that my birth year remained in a "black-out" timeframe.... My neighbor, just 2 years older, was indeed included in the new timeframe, as were children born in the year 2000 and after. BUT NOT ME...

Because of 2 years, I cannot get my own personal history, but my neighbor could AND next year, as adoptees turn 21, they can also.... BUT NOT ME.....

I believe the current Maryland law to be inequitable and unfair. I now have 8 grandchildren asking about their family and medical history.



On their behalf, I encourage you to support SB0331.

Thank you.

Janice Lynn Kelch Vincent  
Middle River, Maryland  
wallis104@yahoo.com

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

RE: SB0331

Dear Chairman Smith and Members of the Committee:

I am Sant'ea Taylor, an adoptee who did not find out that I was adopted until I was 13, by accident of course. My adoptive parents were not very helpful as they had promised to help me locate my family. When I turned 18 I started calling the Wicomico County Agency, Maryland Department of Archives and Baltimore Vital Statistics for my birth certificate. Every time I wrote or called in for a birth certificate it was told to me that my information was closed. I got married at the age of 24 and could only use my Notification of Birth with my immunization on the back to show that I was an orphan or adopted. I could not understand why a copy of my new birth certificate so that I could have traveled with my husband while he was in the Navy.

Down through the years I continued until I was 40 years old and that is when I first received my copy of the adopted parent birth certificate. I had been searching for years writing letters calling the Orphans Court in Wicomico County and just simply asking family members if they could recall any information about me. Finally, December 2019, I threw caution to the wind and took the DNA Ancestry Test, contacted the Department of Human Services in Baltimore, MD, Wicomico County DSS Agency and along with Agency on Exploited Children was able to finally connect the dots.

I now have a relationship with my biological father in Ohio. I do not have access to my OBC or files to be able to actually finalize what I have been told by the Department of Social Services concerning the foster care I was in or a receipt of an adoption. I was able to petition the Circuit Court for hearing with a date of February 27, 2020 at 9:00am to see if they will allow me access to my OBC along with information.

Adoptees should have a right to our heritage, family information and more. We need access to our OBC records.

Sant'ea Taylor  
Salisbury, Maryland  
athomesantea@gmail.com

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Good day members:

I am an adoptee, born in 1965 and **adopted in Maryland in 1966**. My original birth certificate and adoption records are sealed, as per the norm at the time.

Adult adoptees should be provided the right to their original birth certificate as is every other person in Maryland. We are the only group of people who have been denied our own vital record. This is a basic civil right/equality issue. It is also an issue of identity. Shouldn't adoptees have the opportunity to embrace their identity just as every other person does? DNA testing has made the sealing of original birth certificates and adoption records unnecessary and obsolete. I personally tested with a well known company and within 6 months I had the names of both of my birth parents and have been in contact with them since.

I respectfully ask that members vote yes on the bills and recommend passage of SB0331.

Robyn Sesso Sheffield  
robynsesso@gmail.com  
Bedford, Indiana

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Chairman Smith and Members of the Committee:

**I was adopted in Montgomery County, Maryland when I was six years old in 1984.** I was lucky that my adoptive parents wanted an older child and not a baby but it also meant that I was old enough to understand what was happening with my biological parents giving me up and the adoption process in general.

I've known and communicated with both of my biological parents for over 20 years but still the state of Maryland says that I don't have the right to my adoption records, specifically my original birth certificate. This document may seem like just a piece of paper, but it represents so much more to adoptees. These are the only records of my birth and circumstances surrounding my placement in foster care and subsequent adoption. My original birth certificate is the only indication of the name given to me at birth and the only documentation of who my biological parents were.

I respectfully ask that the Members of the Committee vote yes on this bill and recommend passing SB0331 and grant adoptees their basic civil right to know where they came from.

Thank you.

Katherine Runyon  
Conway, South Carolina  
beachkat1977@yahoo.com

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

January 21, 2021

Dear Honorable Members:

My name is Melody Nordvik and I am a Seattle, WA born and adopted person. I have lived in Prince George's County Maryland for the last 48 years. I care deeply about changing our State's long standing discrimination against adoptees in accessing their Original Birth Certificate. A right should be inclusive to Everyone. Regardless of their adoptive status.

I ask each of you to consider what it's like to be a Maryland adoptee wanting to know your historical, genetic, and legal identity. How many of you OR your non-adopted constituents would agree to having to justify to judges, agency social workers, and vital records clerks why you have a desire to know your own origins?

I found my birth mother and extended family long before Washington State open records. I used DNA testing to learn the identity of my birth father. I can attest to you that there is no longer forever secret adoptions. But, I will also tell you that DNA search methodology left me in a position of divulging private and sensitive info to 2nd, 3rd and 4th cousins. It would have been much easier to protect my Fathers confidentiality by having direct contact with my birth father.

I respectfully ask members of this Committee to vote Yes on the bill and to recommend passage of SB0331.

Sincerely,

Melody Nordvik  
13029 Martin Road  
Brandywine, MD 20613  
(301) 873-1291  
mn125@aol.com

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Chairman Smith and Members of the Committee:

I am a genealogist who has helped adoptees find their biological families through DNA results. Being able to "see" their original birth certificates with the parent(s) names on them is a gift they are very thankful for. I can't imagine not being able to know at least your parents names! This to me is a basic civil right. Please vote for passage of this bill.

Thank you.

Mary Jo Newman  
Baltimore, Maryland 21234

I, Simone Martinez (Silver), support Maryland SB0331 and I urge you to vote in favor of this bill. I am 63 years old, born and raised in Maryland. I am also an adoptee that was born on 4/10/1957 in Baltimore City.

I was fortunate enough to have wonderful loving adoptive parents and extended family but have always wondered about my heritage and bio family. About five years ago I did my DNA with Ancestry, My Heritage and Gedmatch and have recently been in contact with second and third cousins that have been sweet and kind to me but unfortunately no one closer in DNA. I strongly believe that I and other adoptees over the age of 18 should have non-restrictive access to our original birth certificates as a matter of our civil rights and equality.

Thank you for the opportunity to share my views and personal story.

Simone Martinez  
Howard County, Maryland  
martinez.si@verizon.net

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Chairman Smith and Members of the Committee:

As a mother to a child surrendered to adoption in 1966 and having been involved in adoption issues since 1990 I can assure you that most birthparents are hoping to know the fate of their children and want them to have access to their medical information and their family. The baby scoop era caused many children to be surrendered because these mothers were given no choices. They were not promised confidentiality. They also never received anything that they signed.

It is time to lift the secrecy for all those adopted in the United States. The truth will set them free. It is high time that every American have access to their information.

I urge you to please support SB0331 for equal access for those adopted in your state.

Margaret Susan Hoffman LyBurtus  
Bakersfield, California  
mlyburtus@gmail.com



Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Chairman Smith and Members of the Committee:

My best friend spent her whole life (50 years) with unanswered questions about her birth parents. She finally learned who they were, her history, and her original birth name. She met her birth parents. Got written permission from both mother and father to open her birth records. She was hit with a roadblock. Although they could tell her she had letters and photos in a file, she's not allowed to see them. Even though both parents have okayed it, she can't see papers that are her personal records. Hospital, foster-care, original unedited birth certificates, etc. Even Carfax allows you to look at a car's total history no matter where it was owned. A human life is not owned by its parents. Babies should not be sold to parents like merchandise, with promises of anonymity. Adoptees should have the right to know everything they can about their heritage, medical history, and birth.

With DNA testing, it's only a matter of time before nothing is secret and wouldn't it be better for things to be above board in the first place? Let's open the records please.

Robin Luxenburg  
Harwood, Maryland  
Luxenbubbles@gmail.com

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Chairman Smith and Members of the Committee:

As an adoptee and one who has spent thousands of hours and dollars to learn the truth about my origins, I strongly support SB0331 and all legislation that ends the discriminatory practice of denying me access to an official government record that every other non-adopted person is entitled to possess and that restores my right to obtain my original (pre-adoption) birth certificate. In spite of the conspiracy of secrecy, through a chance encounter by a dedicated Search Angel with a local legal notice concerning my birth in 1952 in Washington, D.C., and **my subsequent adoption in Maryland**, and later, through Ancestry and AncestryDNA testing, I am one of the grateful adoptees who searched and found both my maternal and paternal heritage and have been lovingly welcomed by many family members.

If the government is to be trusted to maintain accurate records on every individual, they should carefully consider the continuation of the practice of falsifying/amending them for spurious reasons and diligently work to address the injustices done to those of us affected by their questionable action in the past. I offer my thanks to the many community organizations and activists that continue to champion this noble but difficult cause throughout the USA and would just remind Legislators that, not only are adoptees' and their families' health and well-being at stake but also our birth Parents and Grandparents, our siblings and our Aunts and Uncles and Cousins and each of their family members too who are forced to endure the cruel and unfair consequences of keeping secrets.

Please feel free to share my story as you may deem appropriate and please feel free to contact me via email [truthseeker52@aol.com](mailto:truthseeker52@aol.com) should you have any questions or wish to know more of my story.

Carol Fox  
Baltimore  
[truthseeker52@aol.com](mailto:truthseeker52@aol.com)

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

**RE: SB0331**

Dear Chairman Smith and Members of the Committee:

I'd like to respectfully ask that Members of the Committee vote Yes on the bills and recommend passage of SB0331.

As a child of adoption myself, I know first-hand the emotion that comes with not knowing one's origins. While I understand that in the past adoption has been shamed, it is celebrated now. And with DNA services (which is indeed how I was reunited with my own birth family), a preference of secrecy is simply a thing of the past. Most of us are able to track down our families without the state's engagement. However, obtaining access to one's own documents can have huge significance.

Though I know all of the content of my original birth certificate, and though I have the support of my adoptive and birth parents, because of where I was born and when, I'm still not entitled to it. For those of us with lost months or years before we were placed, this small thing has huge significance.

Thank you for your consideration.

Amy Bonsall  
Amy.bonsall@yahoo.com

# **Susie Stricker SB0331 testimony.pdf**

Uploaded by: Stricker, Susie

Position: FAV

Senator William C. Smith, Jr.  
Chairman, Senate Judicial Proceedings Committee  
Maryland General Assembly  
Miller Senate Office Building, 2 East  
Annapolis, Maryland 21401

RE: SB0331

Dear Chairman Smith and Members of the Committee:

Maryland Adoptee Rights was formed a few years ago as a result of my experience of navigating Maryland's cumbersome, difficult, arbitrary procedures, to obtain my vital and biological identity that was sealed by the court a month before my first birthday and subsequently issued a new certificate that's altered to invalidly claim I was conceived by my adopted parents. My experience left me feeling dehumanized and marginalized.

Since I began my advocacy work, I have not only learned that without the permission of the court, Maryland law denies a Maryland adoptee the right to obtain a copy of my original birth certificate (OBC), but that the laws apply varying restrictions and conditions according to the finalization date of the person's adoption. Current conditions exclude a large Maryland adoptee population that are treated unfairly.

SB 331 creates equal birth certificate rights for all Maryland adoptees. It allows all Maryland adult adoptees, upon reaching the age of 18 years of age, equal access to their OBC. 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). Denying adopted people OBC access is an infringement of their human and civil right to know their biological origins. Maryland adult adoptees should have the same access provided to every other U.S citizen. We deserve the right to equal treatment under the law.

Please support Maryland in being a leader in adoptee equality and adoption reform. Return unrestricted and unconditional OBC rights to all Maryland adoptees. Maryland Adoptee Rights recommends passage of SB0331. Please vote FAVORABLE for SB0331.

Respectfully,

Susie Stricker

Maryland Adoptee Rights

1101 Cumberstone Rd.

Harwood, Md 20776

Marylandadopterights@gmail.com



# **TESTIMONY IN SUPPORT OF SB 331 by MARTIN WHITE SUB**

Uploaded by: White, Martin

Position: FAV

WRITTEN TESTIMONY IN SUPPORT OF SB 331 BY MARTIN WHITE  
SUBMITTED TO THE SENATE JUDICIAL PROCEEDINGS COMMITTEE, FOR JANUARY 26, 2021 HEARING

My name is Martin White. I am writing in support of SB 331, Adoption – Access to Birth and Adoption Records and Search, Contact, and Reunion Services. I am a birthfather who placed a son for adoption in 1987. I was raised in Maryland and am a proud graduate of Bethesda-Chevy Chase High School. I continue to have extensive ties to the state including many friends and relatives who live in Maryland although I now live in Washington, DC.

As a birthfather I would welcome any contact with me that my son would like to have. The same is true for other birthparents I have known. In addition, I believe as a matter of principal that the access to accurate and truthful records provided by SB 331 is in the interest of all participants in the adoption process; and that adoptees and birthparents have a right to access to accurate and truthful information on a matter so central to their lives and identities.

The old law, with its provision for disclosure vetoes, is based on an outdated presumption that secrecy is a primary value in adoption and that participants in the process can and even should pretend that the adoption never happened. This is a holdover from a long-discredited approach. It is now generally recognized that adopted adults have a legitimate interest in, and often a pressing emotional need for, knowledge of their origins and that this is in no way inconsistent with being a part of a happy and loving adoptive family. Similarly, birthparents like me never lose their emotional tie to and concern for their children.

SB 331, with its provision for contact preference statements instead of disclosure vetoes, appropriately balances the interests of the limited number of adoptees and birthparents who would prefer to avoid contact (at least temporarily) with the rights of all adoptees and birthparents to accurate information about a central part of their lives.

Please enact SB 331.

Thank you for your consideration.

/s/Martin White  
4405 38<sup>th</sup> Street, NW  
Washington, DC 20016  
[mbwgeneral@gmail.com](mailto:mbwgeneral@gmail.com)  
202-363-3903



## **testimony.pdf**

Uploaded by: Wolf Small, Joanne

Position: FAV

Senator William C. Smith, Jr., Chairman, Senate Judicial Proceedings Committee, Maryland General Assembly

RE: SB0331

Dear Chairman Smith and Members of the Committee:

Thank you for hearing testimony on SB0331. I am Joanne Wolf Small, an adult adoptee, clinical social worker, author, and practicing psychotherapist licensed and certified by the Maryland State Board of Social Work examiners. Though born and adopted in IL I have lived the past 50 years in Montgomery County, and Worcester County. I urge you to vote yes to pass SB0331.

I first testified here in favor of an open records bill in 1979. Sponsored by Delegate David L. Scull. Sponsors introduced a similar bill in the Senate. I came as a co-founder of Adoptees in Search (AIS). Our members comprised the first generation of adoptees to come of age and discover that most states, including Maryland had abrogated our right to our original birth certificates (OBC's). We asked the legislature to restore to people born and adopted in Maryland the same right to their OBC as all non-adopted Maryland citizens. To achieve equality. Nothing more. Nothing less.

Yet, some, testifying in opposition to the same bills had a different take. Waving toward us, a state Senator and adoptive father said, "these kids were born as the result of incest, murder, rape, and robbery". The damage done by opening these records could be "astronomical!" The Washington Post and Baltimore Sun referred to us as "adopted children" and warned passing the bill could "open Pandora's Box". The House and Senate recommended forming a committee for further study. They appointed my colleague Dr. Gordon Livingston as chair. Gordon, a late discovery adoptee and practicing psychiatrist from Columbia MD had testified in favor of the bill.

Then I received an appointment as the first adoptee to the Model Adoption Legislation and Procedures Panel in 1978. My belief that adopted people deserved equal treatment to non-adopted people contrasted with most panel member's interest. They preferred to preserve secrecy, confidentiality, and the status quo. Nonetheless, the preamble to The Model Act read, "The adoption process shall treat all persons fairly, but the principle that adoption is a service for adoptees shall govern where rights are in conflict and compromise is not possible. And, under Title V. Records Subsection d "This subsection provides that the original birth certificate will be opened to the adoptee who has attained majority upon the adoptee's simple request; no court order or intervention is required. Hence the adult adoptee may by right obtain information identifying his birth parents." Still private adoption agencies, adoption lawyers, and parent groups coalesced with The National Counsel for Adoption to defeat The Model Act.

Finally, I presented testimony in 1997 opposing open record bills before The Maryland House and Senate that were so restrictive Adoptees in Search, Catholic Charities, and The Barker Foundation all testified against their passing. Though for different reasons.

The New York state legislature recently passed an equal rights bill. It gives people born and adopted there the same right to their OBC as non-adopted citizens. After voting, each delegate apologized for so long opposing the adoptees appeal for equality. I hope you believe time is right for giving people born and adopted in Maryland the same unrestricted right to their OBC's as non-adopted citizens They too seek equality. Please vote yes to pass SB0331. Thank you!

# **SB331.UNFAVORABLE.MDRTL.LBogley.pdf**

Uploaded by: Bogley, Laura

Position: UNF



## **Opposition Statement SB331**

### **Adoption - Access to Birth and Adoption Records and Search, Contact, and Reunion Services**

By Laura Bogley-Knickman, JD

Director of Legislation, Maryland Right to Life

#### **We Strongly Oppose SB 331**

On behalf of our members in Montgomery County and across the state we respectfully yet strongly object to SB331. This bill will deprive birth mothers of their right to privacy in the adoption process and have the public policy effect of discouraging the life giving choice of adoption in favor of the destructive choice of abortion. This bill would deprive birth mothers their existing right to choose whether to disclose their identify through the standard "disclosure veto", and replace that with the weaker "Contact Preference Form" that provides no privacy protections.

#### **Privacy means LIFE**

The right to privacy and to protect her identity from being disclosed, even when the child reaches the age of maturity, empowers a birth mother to choose life for her child over death through abortion. Public policy has long favored closed adoption records because the law recognizes that the choice of a pregnant woman to give her baby up for adoption can be a complicated matter that can have life-changing impact on a birth mother. A birth mother may choose adoption because she is facing a difficult life or family situation that may not support her ability to keep and raise her child. This may include social stigma, family disownment, abuse from the biological father or partner, or financial and housing challenges. Public policy must continue to protect a birth mother's right to privacy to promote the state's interest in the potential life of the child. Closed adoption already allows for disclosure of family medical history without revealing the birth mother's identify. The opportunity for the LIFE of the adoptee must be considered before the opportunity for contact.

#### **Abortion Epidemic**

Abortion in America is an epidemic. Since the Supreme Court overturned the laws of 46 states when it legalized abortion in 1973, more than 61 million children have been killed through abortion. Abortion in America remains unsafe, with many women experiencing medical complications, including severe infection, loss of fertility and even death. Many women suffer long-term psychological harm identified as Post-Abortion Syndrome. Abortion is having a genocidal effect on Black Americans, who are disproportionately targeted by the abortion industry, with almost half of all pregnancies to Black women ending in abortion. While Black Americans were on track to become the leading minority population, they have now been replaced by Latino Americans (See <http://www.BlackGenocide.org> for more information.)

#### **Love them both**

83% of Americans polled favor laws that protect both the lives of women and unborn children. Public funds should be prioritized to fund health and family planning services which have the objective of saving the lives of both mother and children, including programs for improving maternal health and birth and delivery outcomes, well baby care, parenting classes, foster care reform and affordable adoption programs.

## **16 - SB0331 - Adoption - Access to Birth and Adopt**

Uploaded by: Bennardi, Maryland Department of Health /Office of Governmen

Position: INFO



*Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary*

January 26, 2021

The Honorable William C. Smith, Jr.  
Chair, Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: SB0331 – Adoption – Access to Birth and Adoption Records and Search, Contact and Reunion Services – Letter of Information**

Dear Chair Smith and Committee Members:

The Maryland Department of Health (MDH) submits this letter of information for SB0331 – Adoption – Access to Birth and Adoption Records and Search, Contact and Reunion Services.

The MDH's Vital Statistics Administration would like to make the Committee aware of the following issues with this legislation:

- Under current statute, adoptions that took place prior to 2000 are sealed, and are only made available under court order. This bill effectively unseals all of these records, without providing any ability for biological parents to block disclosure of their information. This would result in approximately 70,000 sealed records of individuals adopted between 1930 and 2000 to become immediately available to adoptees, without any ability of the biological parents to request a disclosure veto or to request redaction of their names.
- There is no provision in the bill to notify these parents of this change.
- The bill also removes the ability to file disclosure vetoes for adoptions after 1999, so even those records sealed until age 21 (age 18 under this bill), would be unsealed and made available to parents and adoptees who request them (without redaction) as the adoptee reaches age 18.
- The Division of Vital Records would likely experience a substantial surge in requests for copies of original birth certificates. This would create operational challenges that have been noted in the fiscal and policy note submission for this bill.

I hope this information is useful. If you have questions or need more information about this subject, please do not hesitate to contact me at (410) 260-3190 or [webster.ye@maryland.gov](mailto:webster.ye@maryland.gov) or Assistant Director of Governmental Affairs, Emily Berg at [emily.berg@maryland.gov](mailto:emily.berg@maryland.gov) and the same phone number.

Sincerely,

Webster Ye  
Assistant Secretary, Health Policy