

TERMS IN ADOPTION REFORM

Access Legislation

A bill which would reverse sealed records laws and allow adult adoptees to have access to their own original certificate of birth.

Access State

This is a state which allows adopted citizens access to their original birth certificate.

Access to Records

We use the language of 'access to records' rather than 'opening records' to insure the proper understanding of what is sought. Saying 'open records' creates the perception that the original birth certificate of the adopted citizen is going to be 'open' to the public. It will not. Only the adopted citizen will have access to their record. (see also 'Open Records')

Amended Birth Certificate

When the original birth certificate is sealed when an adoption is finalized, it is replaced by an amended certificate. Interestingly, this is a legal document that purposefully contains misinformation. It will state that the adoptive parents gave birth to the child, as if the child's life didn't start until the moment he or she was adopted. Some states even allow an adoptive parent to change the place of birth, and some social workers (like Georgia Tann in Tennessee) altered other information, including the date of birth.

"Clean" Bill

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

Compromise Legislation

Any bill which allows for the non-universal release of the original birth record. For example, the law passed in 2007 which allowed adoptees born and adopted before July 17, 1974 in Massachusetts was compromise legislation which did not provide for adoptees born after that date. There are adoption reformers who become the most vocal opponents of such legislation, for whom 'clean bills' are the only viable

legislation. Their commitment to this absolute path does not take into account, however, the legal difficulties involved in some states. Right or wrong, the passage of compromise legislation in several states has provided relief to thousands of adoptees who otherwise would never have had access.

Confidential Intermediary

Individuals or agencies designated by the state to act as "go betweens" between adult adoptees and birth parents and who are given access to confidential information about the birth parents for that purpose. C.I.'s have been successful in providing some adopted citizens and birthparents with a way to connect, but they also often are just one more layer within a system telling an adopted citizen 'no'. The adoptee does not get their OBC with an intermediary system, even when a match is made. Often, adult adoptees must sit across a table from a CI, with their own records in a file folder on the table, only to have a CI inform them that no connection has been made and they cannot divulge anything further. This is often a cruel system, with a CI still withholding information from the adoptee which the adoptee will never be allowed to see – ever.

Confidentiality/Privacy

Those who oppose adult adoptees having access to their original record of birth often cite promises of confidentiality and privacy being given to birth mothers. There is no known statute in any state which provides such a promise. Most birth mothers on record have stated that no such promise was ever made to them, either by law or by any agency worker or private attorney. They were told to go home and get on with their lives, and the onus of confidentiality went the other way – they were told never to try to find their child or to interfere with the adoptive family in any way.

Contact Preference

These forms allow the birthmother (or birthfather) to indicate what their preference is in terms of any contact by their son or daughter. The form is nonbinding (meaning that there is no punitive charges attached) by which a birth parent may write privately to an adoptee expressing his or her preference as to contact. The preference is given to the adoptee with the OBC. The preference does not legally restrict the adoptee, and so a "clean" bill can include a contact preference provision. A form with options is commonly used. The usual options are these:

- would welcome direct contact;
- would welcome contact through a confidential intermediary; and
- would prefer no contact at this time.

In some states, if the "no contact" option is selected, the birth parent must supply updated medical information. These forms have proven highly successful. To date,

there are no known instances where a birthparent has sought 'no contact' which has been breached by an adoptee.

Contact Veto

A provision in some jurisdictions that allows a birth parent or other birth relative to prohibit contact from an adoptee after the OBC is released. The birth relative need not supply any reason. An adoptee who violates the prohibition may be punished civilly or criminally. The effect is similar to a restraining order.

Disclosure Veto

A document that a birth can sign in some states which withholds the release of the original birth certificate to the adoptee. Delaware is a state that has a disclosure veto – but the veto must be renewed every three years.

The state of Nebraska actually has a disclosure veto for adoptive parents, which allows the adoptive parents to block the release of the original record to their son or daughter, and that veto remains in place until the death of the adoptive parent(s).

Mutual Consent Registry

Registries are mechanisms for matching two or more people who have been separated by adoption. They are also called "passive" registries because, no matter what entity operates them, they depend on the action of two separate registrants to trigger a "match." While on the surface, many who are not well versed in adoption reform may find registries as attractive alternatives to providing access to the adult adoptee, but statistics show an abysmal record for state run registries. If the birth parent is deceased, there can be no match, and in states that allowed the adoptive parent to change the place of birth, there can be no match. Even in states where a match is made, the match typically does *not* result in the release of the OBC. The record remains sealed from the adopted citizen forever, no matter what age they are.

Original Birth Certificate (OBC)

This is the original record of the birth of the adoptee. It contains the accurate and complete information about their birth. Every state has their own form of birth records. All generally include the name of the child and parents, the date and time of birth, the location of birth, and the names of attending physicians, midwives, or nurses. Others will also contain ethnicity, number of other births the mother has had, addresses, and other information.

Openness

This means that secrecy will not dominate the adoption. Openness will have many definitions, some tailored to specific situations. Underscoring the goal of openness is the right of the adopted person to have access to *all* information about themselves.

Open Records

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

Partial Access

A state where some adopted citizens can access their records while others cannot. For example, in the film (ADOPTED: for the life of me) Dave is able to get his original birth certificate. But if he had been adopted after July 17, 1974 in Massachusetts, he would not be able to get his record. This strange (and unfortunately not rare) situation occurs in states where records were sealed after that date – or where there was the passage of a law which created a legal impediment to change (for example, in California in 1977, a Privacy Act was passed which made it illegal for state agencies to release any identifying information about a birthparent to an adoptee).

Redaction of information

This is where a birthparent requests that their name be stricken from the original birth record. The OBC is still released to the adult adoptee but will no longer contain all the information that was on the original birth certificate.

Sandwich State

See "Partial Access".

Sealed Records

Birth certificate and other records regarding the pre-adoption life of an adoptee are withheld from the adoptee. Generally, the record is also withheld from the adopting parents and the birth parents as well. This occurs when the adoption is finalized. Before that time, the record was generally available to the adults involved, and sometimes even to the public. Generally, clerks have access to these records – they are not kept in a vault, though policies differ state-by-state.