

News from

Adoption Reform Illinois

Attn: News Director
For Immediate Release

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Contact: Triona Guidry
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Adoption Reform Coalition Urges: Reject HB 4623

We, the undersigned members of the adoption community, urge legislators to oppose Illinois House Bill 4623. As written, this bill offers some adopted adults the chance to access their original birth certificates, while banning others from accessing theirs.

Illinois adoptees should be treated the same as non-adopted Illinoisans who face no birth certificate access restrictions. We urge legislators to reject the current compromise language of this flawed bill, and to create a new bill that will restore the civil right, rescinded in 1945, of all Illinois adopted adults to access their original birth certificates without bureaucratic restraint or third party interference.

This bill is merely a convoluted extension of the existing mandatory intermediary system. It turns equal access to adoptees' public records into a question of search and reunion, instead of addressing the civil right of all persons to access their original birth certificates.

Our organizations are united in our concern that the amended bill was not the bill that was posted for weeks on the Illinois legislative web site. This amended bill was not available online until March 13, 2008, the day the bill passed through committee, making it impossible to present testimony.

“For The Records: Restoring A Right To Adult Adoptees,” a comprehensive study published by the Evan B. Donaldson Adoption Institute, examines the issue:

http://www.adoptioninstitute.org/research/2007_11_for_records.php

Access to one's own birth certificate is not a favor to some, but a right for all.

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Rick Ouston
Adoptee/Author
Finding Family

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What does it take 77 pages to say?

HB 4623 (12-page bill) amending the Adoption Act in relation to the powers and duties of Confidential Intermediaries was referred to the Adoption Reform Committee.

Sponsor: Sara Feigenholz submitted HA# 1 (a 77-page bill), which became HB 4623 and masquerades as a provision to permit adult adoptees to access their original birth certificate through the State Adoption Registry.

In 1945, original birth certificates (OBC) of adopted persons were sealed *retroactively* in 1945. If an amended birth certificate (ABC) is issued for an adoptee, s/he cannot see the OBC unless the birth parent consents.

HB 4623 will allow persons born prior to January 1, 1946 unrestricted access.

Persons born on or after January 1, 1946 will have restricted access if a birth parent prohibits the release of their information. Beginning April 1, 2009, these adopted adults will have access to copies of their original birth certificate *unless a birth parent formally requests anonymity*.

If a birth parent permits disclosure of information or has not explicitly prohibited disclosure: The Registry must provide the adult adopted person with a non-certified copy of the original birth certificate.

If a birth parent notifies the Registry that they wish to remain anonymous, an adopted person requesting an original birth certificate may receive a *redacted copy* of the original birth certificate.

Adoptees may receive the unredacted copy once the birth parent is deceased.

If the birth parent requests anonymity, the adoptee must wait five more years to request medical records through the state intermediary program.

Birth parents have five options:

- agree to release identifying information/contact.
- agree to release of identifying information/contact through a third party.
- agree to release of identifying information/contact through the CI program or adoption agency.
- agree to release of identifying information but not contacted (contact preference).
- prohibit the release of identifying information (contact veto).

What does it mean?

When birth certificates were sealed retroactively, the rules were changed mid-game.

◀ *Issuance of an ABC is NOT automatic. There is no guarantee that the adoptee's birth identity will be erased. Under current law adoptive parents may opt NOT to request a new birth certificate for an adopted child.*

◀ *The OBC is an important vital record that pertains to the adoptee but control of that document rests in the hands of the natural parents who relinquished all rights! And this persists even after the adoptee reaches adulthood. (See page 3.)*

◀ *It's one thing for birth parents to remove their "own" names from the birth certificate, but to be allowed to also remove the adoptee's birth name violates the adoptee's civil rights.*

◀ *In Illinois, newborn child's records are considered property of the mother even into adulthood, if adopted.*

◀ *Oregon simply gives the adoptee his/her unredacted original birth certificate and allows the natural parents to express a preference as to contact.*

The Registry must notify adopted persons requesting their OBC of their right to petition the court for the appointment of a Confidential Intermediary to conduct a search for a birth relative on the petitioner's behalf.

Confidential intermediaries have access to court adoption records, and vital records, and may also obtain certain limited information from adoption agencies.

No identifying information is released to the adoptee unless the birth relative being sought consents to disclosure. Adult adopted may receive non-identifying information, such as their medical history, if the confidential intermediary locates this sort of information during the search. Otherwise they must wait five years to apply to receive it.

Confidential intermediary programs are not a substitute for equal rights under the law.



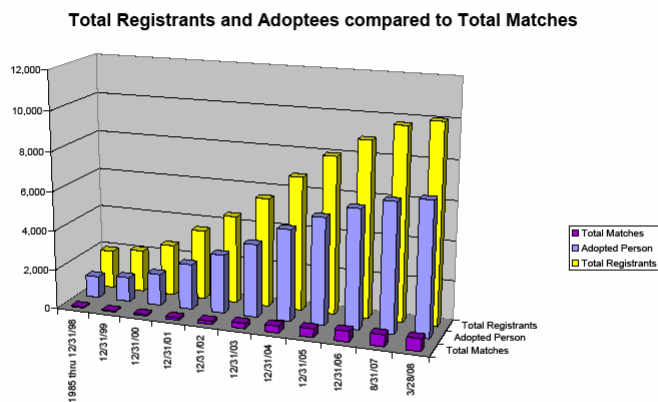
When a mother relinquishes a child for adoption she signs irrevocable documents abdicating ALL rights of a natural parent BEFORE an adoption takes place.

OBCs are not altered or sealed until and unless the court orders it. Children who are not adopted have full access to their OBCs, even in Illinois.

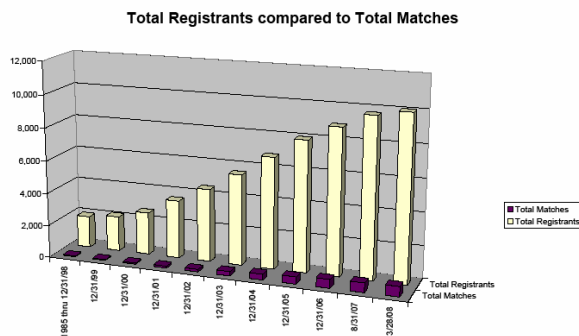
There is no precedent in Illinois for any branch of the state government to withhold identity information from any of its adult citizens.

Restoration of an adult's right of access to his/her own birth certificate is about identity. It has nothing to do with search, reunion and/or medical histories.

The Evan B. Donaldson Adoption Institute's report, *For the Records. Restoring a Legal Right for Adult Adoptees*, reports that states with unrestricted access to OBCs have had no recrimination, litigation or social havoc as a result of restoring adoptees' full civil rights. Not one of these states has sought to revoke or reverse the policy of open access. Abortions have not increased in any of these states; several have lower abortion rates than surrounding states with sealed records.



Graphics based on statistics from Illinois Vital Records <http://www.idph.state.il.us/vitalrecords/vital/adoptstats.htm>



Access to Records around the USA

Here are the states that give adult adoptees full access to their original birth certificates, which lists birth parents' names:

Alabama — unrestricted.

Between August 2000 and November 2007, received 4,186 requests for OBCs and 189 birth parents requested no contact.

Alaska — unrestricted.

Delaware — allows access unless birth parents veto disclosure

Kansas — never sealed.

Maine — unrestricted, beginning January 2009.

New Hampshire — unrestricted.

Between January 2005 and November 2007 received 1,056 requests. Of 56 voluntary forms filed by birth parents, 12 requested no contact.

Oregon — unrestricted.

Between June 2000 and November 2007, received 9,571 requests. Of 565 voluntary forms filed by birth parents, 85 requested no contact.

Tennessee — provides birth certificate unless rape or incest was involved. Allows a contact veto.

Between July 1999 and June 2007, received 4,639 requests. Of birth parents who responded to requests for contact, 1,326 consented and 685 vetoed contact.

Adapted from USA Today article that appeared on Feb 14, 2008.

The coalition of Illinois triad members represented by Illinois Open Access Coalition and the Green Ribbon Campaign for Open Records, and our colleagues in adoption reform efforts around the country, urge Illinois legislators to move toward full access for adult adoptees to their own records. And we further urge the members of the working press to thoroughly report this issue based on their own investigation. Adoptees are the last group of Americans whose civil rights are “legally” infringed upon by government statute. Help to end these discriminatory practices.

Additional signatories:

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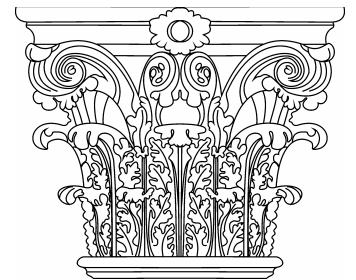
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Prepared for
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Capital Letters