

POV

Adoption Stories

BACKGROUND

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Access to Birth Records



Access to birth records has been publicly debated for many years. In nearly all states, records for all adoptions (see distinction between closed and open adoptions above, under “Types of Adoption”) are sealed when the adoption is complete, but most states also have procedures in place under which birth parents and adoptees can access identifying and nonidentifying information about each other from an adoption record while still protecting the interests of both parties.

Information is divided into two categories:

- non-identifying, such as birth parents’ age, appearance, ethnicity, religion, medical history, education level and reason for the child being placed for adoption, as well as the existence of siblings.
- identifying, such as addresses, workplaces and names, that could lead to identification of the birth parent or adoptee.

Every state allows adoptive parents or guardians access to non-identifying information about a child’s birth par-

ents; most states allow adoptees access to the same information, though sometimes not until after adoptees reach the age of 18.

Currently, 18 states allow birth parents access to non-identifying information about an adopted child’s health and social development; some states release this information to birth siblings as well.

Exactly what information is available and the procedures involved in obtaining it vary from state to state.

Nearly all states also have procedures in place under which identifying information can be released with a person’s consent. If consent hasn’t been given, and a person feels he or she has a legitimate reason to contact a birth parent or biological child, he or she may act through the court but must prove that the need for the information outweighs the other party’s right to privacy (ie. medical necessity, etc.).

Some states have, however, imposed restrictions on the release of information. For example, Arkansas, Mississippi, South Carolina and Texas require an adoptee to undergo counseling before reaching out to his or her birth parents, and Connecticut reserves the right to prohibit the release of information it deems potentially seriously disruptive to any of the involved parties.

About 30 states have mutual consent registries through which involved parties can indicate their willingness or unwillingness to be contacted; some states employ a confidential intermediary system through which an impartial intermediary is given access to sealed adoption records in order to conduct a search for birth family members and seek consent for contact.

Sources:

Child Welfare Information Gateway. “Access to Adoption Records: Summary of State Laws.” http://www.childwelfare.gov/systemwide/laws_policies/statutes/infoaccessap.cfm

Kershaw, Sarah. “In Adoptee’s Search for Roots, Loss and Gain Collide.” *The New York Times*, 10 August 2008.

http://www.nytimes.com/2008/08/11/nyregion/11twins.html?pagewanted=1&_r=2