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*Testimony before the Senate Committee on Human Services, Children and Families
State Senator André Jacque
January 5, 2022*

Colleagues on the Senate Human Services, Children and Families Committee,

I'm pleased to join Rep. Tittl and many adult adoptees and advocates in bringing forward Senate Bill 483 for this hearing today. This legislation allows adopted children who have attained the age of 21 the right to obtain a copy of the Report of Adoption, which would enable them to learn the names of their birth parents and thus an important piece of their history.

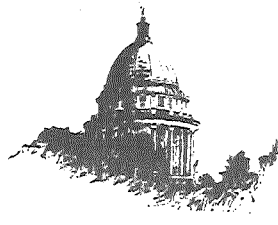
Under current law, adoptees are able to access that information only if both birth parents have filed forms with the state granting permission. If one of the birth parents has died without granting permission, adopted children will never be able to learn the names.

The stigma associated with adoption has changed dramatically over the last fifty years, and a number of states have changed their laws and now allow adult adoptees to learn the names of their birth parents. It's time for Wisconsin to change as well.

After Rhode Island and New Hampshire changed their adoption laws, subsequent records showed that 95% of birth parents who had placed their children up for adoption later hoped their children would contact them.

Barring access to one's personal information raises significant civil rights concerns, and the US Supreme Court has ruled an adoptee's right to know overrides the right of a birth parent to remain anonymous.

Thank you for your consideration of Senate Bill 483.



PAUL TITTL

STATE REPRESENTATIVE • 25TH ASSEMBLY DISTRICT

Senate Committee on Human Services, Children and Families
Senate Bill 483
January 5, 2022

First of all, thank you for allowing me to testify before you today concerning Senate Bill 483.

This bill allows adopted children who have attained the age of 18 the right to obtain a copy of their original, unaltered birth certificate.

In 1929 Wisconsin closed adoption records so birth parents would not interfere with the new relationship between the adopting parents and the adopted child. The records were never impounded to protect the anonymity of the birth parents.

Many other states also closed their records. However, in the last twenty years several states have opened their adoption records, removing the secrecy. The results have been very positive. For example, after New Hampshire changed its adoption laws, 1,760 adoptees requested birth certificates from December 2004 through December 2015, and only 13 birth parents filled out forms saying they did not want to be contacted by the child they gave up for adoption.

Under the current law a person 18 years of age or over whose birth parents' rights have been terminated or who was the subject of a consent adoption may request the Department of Children and Families (DCF) to provide his or her original birth certificate and any information that is available to DCF regarding the identity and location of the person's birth parents.

If both parents are living, DCF may disclose the requested information only if DCF has on file an unrevoked affidavit from each known birth parent authorizing DCF to disclose that information or if a known birth parent cannot be located after DCF conducts a search and the other parent has filed an unrevoked affidavit authorizing disclosure. If a birth parent who has not filed an affidavit is known to be deceased, DCF must inform the requester that the birth parent is deceased and provide the requester with the identity of the deceased birth parent. If both birth parents are deceased, DCF must provide the requester with his or her original birth certificate.

As chair of the Assembly Committee on Mental Health, I am especially concerned about the mental health struggles many adoptees face as they deal with the secrecy concerning the names of their birth parents. This bill could provide them a measure of relief. (see attached quote from the Donaldson Adoption Institute).

Finally, the bill does not open these records to the public, only to adoptees who request their certificate. It's time for us to change the current policy of secrecy and instead favor truth and transparency in adoption.

Thank you for this opportunity to testify before you today. I would be happy to take any questions.

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Notes

1. Ohio Right to Life Supports Law Permitting Adult Adoptees to Access Their Original Birth Certificates (The Columbus Dispatch, Dec 20, 2013):

For decades, adoptees and their supporters have fought for access to their birth records.

Like-minded lawmakers have introduced numerous bills in the General Assembly over the years, but all were doomed by opposition from anti-abortion forces, including the influential Ohio Right to Life. Those groups feared it would promote abortion because fewer women would opt for adoption if their identities weren't kept private.

But yesterday, Mike Gonidakis, executive director of Ohio Right to Life and the father of two adopted children, was among those celebrating as Gov. John Kasich signed into law a bill giving an estimated 400,000 adult adoptees access to their original birth certificates.

"Times have changed so much," Gonidakis said. "Now there is the Internet and Google, and you can find out all sorts of things about people in 10 minutes."

2. Donaldson Adoption Institute Expresses Concern about Mental Health Problems Adult Adoptees May Face (FOR THE RECORDS II: An Examination of the History and Impact Of Adult Adoptee Access to Original Birth Certificates July, 2010)

Lack of access can also lead to mental health problems. A Donaldson Adoption Institute report states, "Adopted individuals who feel a strong need for information but are unable after much effort to find satisfactory answers can feel profound powerlessness and experience emotional struggles that are detrimental to their mental health and life satisfaction." Some adopted individuals who are barred from accessing facts about their origins feel continuing shame and a sense of "being lesser."

3. Some Other States that Allow an Adoptee's Unrestricted Access to the original unaltered birth certificate:

Alabama, Alaska, Colorado, Connecticut, Hawaii Kansas, Maine, New Hampshire, Oregon, and Rhode Island.

SB 483 Testimony – David B. Bohl - 01/05/2022

Chairman Jacque and Members of the Committee on Human Services, Children and Families,

My name is David Bohl. I am a Wisconsin resident, an addiction and recovery professional, and a Wisconsin adoptee who was raised by caring adoptive parents and has connected with my birth family. I am here representing myself as an adopted citizen of Wisconsin, and as a member of the Coalition for Truth and Transparency in Adoption. Thank you for this opportunity to speak with you today and testify on the bill.

I support the bill as introduced and do have a copy of my once-impounded original birth certificate. I was able to obtain this birth certificate for two reasons:

1. Because I had the financial resources to hire an attorney and petition the Wisconsin court for this information, and
2. Because both of my biological parents were dead at the time I made the petition.

It has been very powerful and meaningful for me to have a copy of a "source document" that contains biological family names and information.

Imagine if the law requires you, as a non-adopted citizen, to get a court order and/or the permission of both your parents in order to research your own genealogy.

This is the reality that Wisconsin adoptees live in today.

This bill would make a procedural change that would correct current laws which are unjust, outdated, and rooted in shame and secrecy by:

- streamlining the process for adult adoptees to obtain information about their history,
- promoting truth and transparency in adoption,
- balancing the interests of the parties, and
- aligning the law with the modern reality that, because of today's burgeoning availability of consumer DNA testing, sealed records are now essentially moot in terms of keeping adoptees from knowing who their

biological kin are. In fact, release of information to the adult adoptee now offers a more discreet way of contacting genetic family members, rather than moving sideways through several sets of cousins in a DNA search.

These realities also mean that it is essential that I address the topic of confidentiality.

Confidentiality and privacy from the *general public* is vital in adoption proceedings and should be preserved. Confidentiality from the general public and anonymity from one's own child are separate issues, however.

It is my understanding that Elizabeth Samuels (adoption law expert and Baltimore University Law Professor) has provided the Committee with written testimony regarding her research into relinquishment documents signed by women during the last half of the 20th century. Ultimately, this research confirms that, though confidentiality from the general public is vital in adoption, no written document has ever been produced guaranteeing a birth/first parent anonymity from their own offspring.

Additionally, Higher courts in Oregon and Tennessee have ruled that because a birth parent does not have a fundamental right to have their child adopted, they cannot have a correlative fundamental right to have the child adopted under circumstances that guarantee anonymity from their own offspring, even if they do not desire contact.

This bill reflects a national trend toward balancing the interests of the parties. Although previous testimony offered today suggests that the current law is already the right balance of interest, let me assure you that it is not. Allow me to contrast "not balanced" against "balanced".

Balanced DOES NOT: Compel adoptees, unlike non-adopted adults, to obtain a costly court order or permission to see their Original Birth Certificate via a third party.

Balanced DOES NOT: Continue a mandate that a state agency oversee, screen, and in effect, "nanny" adults, sending a message that we are incapable of responsibly, tactfully handling the information contained on our Original Birth Certificate.

Balanced DOES NOT: Deny one group of adults access to the same simple process available to all other adults, simply on the basis that they were relinquished and adopted.

Balanced DOES: Allow and empower adult citizens to choose - but not forced - to seek assistance from a third party in facilitating a search and connection with ancestors and birth relatives.

Balanced DOES: Establish a system that recognizes Adoptees as adults rather than minor citizens shrouded in shame and secrecy of the past.

Balanced DOES: Facilitate full integration of adoptees into society.

At the time laws like these were initially enacted, we didn't know that some 6000 genetically linked diseases would be discovered. The intent was to help stabilize the adoptive family, but legislators overlooked the reality that adopted children grow up to become adults who deserve and need the same access to information about themselves as all other non-adopted citizens.

11 states have already provided full unrestricted access to OBCs, and some 29 have taken steps in this direction:

- Kansas and Alaska never sealed OBCs from adult adoptees.
 - Since 1995, nine more states (AL, CO, CT, HI, ME, NH, NY, OR, RI) have retroactively provided unfettered access to adult adoptees in model legislation, balancing interests of birth parents via an optional Contact Preference Form.
- A total of 29 states* have enacted a variety of new laws to increase access to an estimated 2.5 to 3 million files. This is a growing national trend.
 - *AL, AR, AZ, CO, CT, DE, HI, IA, IL, IN, MA, MD, ME, MI, MN, MO, MT, NE, NH, NJ, NY, OH, OR, PA, RI, SD, TN, WA, WI

There are several national organizations supporting this legislation. They include:

- Academy of Adoption and Assisted Reproduction Attorneys
 - ..."The benefits of openness in adoption for all members of the adoption triad are recognized by adoption professionals and the adoption community; and

- The societal norms which previously supported closed record laws have evolved and are no longer consistent with prioritizing the confidentiality of adoption records over the expressed need or desire of adopted persons to access their adoption records.
 - THEREFORE IT IS RESOLVED, that the Academy of Adoption and Assisted Reproduction Attorneys supports the inherent rights of adult adopted persons to their personal biological family information and to have access to their:
 - original birth certificates;
 - agency records which relate to them and their biological family; and
 - court records of their adoption.
 - IT IS FURTHER RESOLVED, that the Academy of Adoption and Assisted Reproduction Attorneys supports the inherent right of adult adopted persons to access and obtain these records regardless of when their adoption occurred."
- Child Welfare League of America
 - Concerned United Birthparents (CUB)
 - National Association of Social Workers
 - National Foster Parent Association
 - North American Council on Adoptable Children (NACAC)

This bill also addresses the question - not of *whether* adult adoptees can have access to information - but rather "how difficult do we want to make it for adoptees to obtain information documents about themselves and their own history?"

This bill represents a significant policy shift that is long overdue and consistent with nationally recognized best practices. It will help to move Wisconsin from adoption policy rooted in shame and secrecy to truth and transparency. I ask for your "yes" vote on SB 483.

Thank you again for this opportunity to speak in support of this bill.
I welcome any questions from the committee.

OREGON

993 P.2d 822 (1999)
164 Or. App. 543

Jane DOES 1, 2, 3, 4, 5, 6, and 7, Appellants,
v.
The STATE of Oregon; John A. Kitzhaber, Governor of Oregon; and
Edward Johnson, State Registrar of the Center for Health Statistics in Oregon, Respondents, and
Helen Hill, Curtis Endicott, Susan Updyke; and the Oregon Adoptive Rights Association, Intervenors-Respondents.

(98C-20424; CA A107235)

Court of Appeals of Oregon.

Argued and Submitted November 22, 1999.
Decided December 29, 1999.

TENNESSEE

Supreme Court of Tennessee, at Nashville.

Promise DOE, et al., Appellees, v. Donald SUNDQUIST, et al., Appellants.

Decided: September 27, 1999

Policy Statements from National Organizations

Academy of
Adoption and
Assisted
Reproduction
Attorneys

[Read full
resolution](#)

... The benefits of openness in adoption for all members of the adoption triad are recognized by adoption professionals and the adoption community; and

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National
Association of
Social Workers

"The need and right of adoptees to know their birth origin should be recognized and respected. This right extends to requests from adult adoptees for identifying information." - February 1, 2012

North American
Council on
Adoptable
Children
(NACAC)

"NACAC has long supported the right of adoptees to have access to their original birth certificates. As our position statements below reflect, NACAC continues to believe that adoptees are well served by having access to information about their birth families, and are entitled to that information.

Access to Original Birth Certificates — April 11, 1992 Recognizing that many adult adoptees have a need for more complete information about their birth families, NACAC supports their right to this information and supports access to original birth certificates to any adult adoptee at age of majority.

Access to Original Birth Certificates — December 5, 1986 NACAC supports access to original birth certificates to any adult adoptee at age of majority.

Concerned United
Birthparents
(CUB)

CUB supports adult adoptees' right to access their records, without restrictions or qualifications. Knowing one's identity is a civil right which is consistently being abused by the practice of sealed records in adoptions. All human beings have a right to know their genetic identity, which includes their genetic roots, their medical history and biological history. "The need and right of adoptees to know their birth origin should be recognized and respected. This right extends to requests from adult adoptees for identifying information." - February 1, 2012

National Foster
Parent Association

124.15 - Adoptee Access to Original Birth Certificates and information about their Origins

- Whereas many adult adoptees do not have access to their original birth certificates and are deprived the knowledge of their genetic background, medical information and equal rights provided to non-adopted persons
- Whereas adoptees deserve to have accurate information about their origins

and ethnic history may face early death, prolonged pain and suffering or great physical or intellectual disadvantages and

- Whereas, these rights are granted to all non-adopted persons
 - Be it Resolved that the National Foster Parent Association supports open access to original birth certificates for adult adoptees in the United States.
- Also be it Resolved that the National Foster Parent Association calls for all adoptees to receive information about their genetic, medical and ethnic identity.

Child Welfare
League of
America

"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 adult adoptees' identity and health needs, the agency should promote policies that provide adopted adults with direct access to identifying information." (*Standards of Excellence in Adoption Services, 2000*)

"When a child is adopted, the child has rights to connections with and awareness of both the original family and the adoptive family. (*Excerpted from National Blueprint for Excellence in Child Welfare, Sections 1.3-1.5, 2013*)

Adoptee Rights Coalition

The ARC is a 501(c)(4) organization dedicated to changing unjust laws and archaic policies and practices rooted in stigma, shame and secrecy by restoring unfettered access to original birth certificates and adoption records for adult adoptees.

Email: info@adopteerightscoalition.com
Mail: P.O. Box 292961
Kettering, OH 45429

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- Endorsements
- Research
- Rights 101
- State Laws

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CHILDREN & THE LAW SECTION

To: Senate Human Services, Children and Families Committee Members
From: Children and the Law Section, State Bar of Wisconsin
Date: January 5, 2022
Re: Opposition to SB 483 – adult adoptee access to birth certificates

The State Bar of Wisconsin's Children and the Law Section opposes SB 483, which would allow adopted children to access their original birth certificate once they have reached adulthood.

The Section believes that the proposed legislation is unnecessary as provisions already allow adult adoptees the opportunity to access information about their birth parents if the birth parents have authorized this release. Current statutes require birth parents to provide medical and genetic information to the court at the time their parental rights are terminated. Additionally, at termination or any time thereafter birth parents may file an affidavit with the Department of Children and Families that allows the Department to provide information about the birth parents and the impounded birth certificate to the adoptee once they reach adulthood. Finally, the Department, through the Adoption Search Program, may attempt to contact the birth parents to obtain permission to share their identity with the adopted child or to request additional genetic or medical information.

The section has further concerns because it is not uncommon for birth parents to wish to remain anonymous at the time of the termination of parental rights. This decision may be due to the circumstances of the pregnancy – which may be the result of sexual assault, incest, addiction, or sex trafficking. If a birth mother cannot be assured that her anonymity may be respected by the court because of this legislation, it could have a chilling effect on voluntary terminations of parental rights and placements for adoption.

In addition, while some adult adoptees may believe that discovering their birth parents and understanding their origin may positively impact their mental health, it is entirely possible for the reverse to occur. Discovering they are the result of a sexual assault or incest outside a therapeutic environment may actually destabilize an adoptee's mental health.

Finally, the Section believes the scope of this legislation is problematic. It seeks to make *all* birth records available to any adult adopted child. Birth parents who placed their children for adoption decades ago would no longer be able to rely on the assurance of their anonymity, an expectation they had at the time of adoption. Birth parents may not be aware of the legislation and could be caught off guard by an adult adopted child seeking them out. This could result in further emotional anguish for an adult adoptee, rather than the healing that is envisioned by this legislation.

For these reasons, the Children and the Law section of the State Bar of Wisconsin opposes SB 483.

If you have questions or concerns, please do not hesitate to contact our lobbyist, Lynne Davis, ldavis@wisbar.org or 608-852-3603.

The State Bar of Wisconsin establishes and maintains sections for carrying on the work of the association, each within its proper field of study defined in its bylaws. Each section consists of members who voluntarily enroll in the section because of a special interest in the particular field of law to which the section is dedicated. Section positions are taken on behalf of the section only.

The views expressed on this issue have not been approved by the Board of Governors of the State Bar of Wisconsin and are not the views of the State Bar as a whole. These views are those of the Section alone.



STATE BAR OF WISCONSIN

Dear Senator Jacque,

The following is the testimony regarding SB 483 that I would like to present to the members of the Senate on Wednesday.

Good Morning. My name is AnneMarie Swanson. I am a 60 year old adoptee in reunion with both my birth mother and birth father's side of my family.

One of the key components in helping adoptees feel connected to our truth, and helping us adjust and feel whole and complete as individuals, is having concrete facts about where we were born, who gave birth to us, and what our lineage is. The tiny crumbs of truth that we can see in the black words printed on white paper help us feel connected to reality.

My life's work has been that of a Hospice Chaplain. In more than one poignant situation, I have had the privilege to walk with more than one adoptee, and birth mother who were facing the end of their lives. It has universally been my experience in speaking with these individuals that all they hope for is the truth; the adoptees in knowing their past, and the birth mothers; in knowing that the child they relinquished has had a good and decent life, and that they made the best decision for that child that they could.

More than 30 years ago, I testified in favor of open records laws that were proposed by Senator Fred Risser in this same building. We adoptees have waited long enough. 11 other states have changed their laws so that adoptees can have unrestricted access to their original birth certificates. As our state motto proclaims, Wisconsin can move "Forward" and become the twelfth state to grant this privilege to adult adoptees.

I am respectfully requesting that this bill be passed. Help create for us adoptees, a greater understanding of what our truth is. Allow us to have the right to receive the respect and dignity that this information will provide for us and that is so vital to our well being.

Thank you.

I am pleased to be able to have the opportunity to speak on this subject, one that has been an integral part of my life.

Sincerely,

AnneMarie Swanson

Re: Support for Wisconsin Senate Bill 483

Dear Senators Jacque, Darling, and Members of the Wisconsin Senate,

I write in support of Senate Bill 483, which will provide adopted individuals with unrestricted access to their original birth records at or after age eighteen.

Wisconsin's current practice of requiring permission to be given to the adopted adult prohibits agency of your constituents who are adopted and is discriminatory. No other population of people is restricted by law from obtaining their own true record of birth.

I am adopted. In a closed adoption a replacement birth certificate is created and the original is sealed. My amended birth certificate is not a vital record accurately representing the facts of my birth and original identity. It is a post-adoption record reflecting my new parents and my new name.

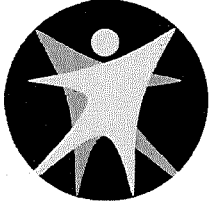
Closed-records laws imposed a very problematic identity for me. I internalized the message that my original self was a secret so bad, that it was illegal to know, so I must be a bad and shameful person. As an adult, seeking my state-sealed records, I found Wisconsin's search program to be costly, intrusive, and dehumanizing. I followed the process through to completion for my children, who wanted to petition for my original sealed records, but would have had to wait until my death to do so.

The information on my Original Birth Certificate is very meaningful to me, to my children, and to future generations. Passing this bill into law would help ensure that other adopted individuals have access to their Original Birth Certificate. This is basic, fundamental information, a vital record, that all other people can access.

Thank you for your attention and consideration. Please support Senate Bill 483.

Sincerely,

Erika Ostern



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Karen E. Timberlake, Secretary-Designee

TO: Members of the Senate Committee on Human Services, Children, and Families
FROM: HJ Waukau, Legislative Director
DATE: January 5, 2022
RE: Senate Bill 483, relating to: access to an original impounded birth record.

Chairman Jacque and members of the Committee, thank you for the opportunity to provide written testimony for information only on Senate Bill 483 (SB 483).

SB 483 aims to provide adopted children over the age of 18 with the right to obtain access to their original impounded birth record (certificate), along with an uncertified copy of their original record upon request. While the process of adopting a child in Wisconsin is administered by the Department of Children and Family Services, the vital records process for adopted children is administered by the Department of Health Services (DHS) and the Vital Records Office. The Wisconsin Vital Records Office is responsible for filing, preserving, protecting, changing, and issuing copies of birth certificates, death certificates, marriage certificates, divorce certificates, and records of declaration of domestic partnership and termination of domestic partnership for events that occur in Wisconsin. The provisions contained within SB 483 would make significant changes to the State's vital records process for adoptive birth records and require substantive systems updates.

Under current statute no individuals have unrestricted access to their birth record. Medical and statistical information for those not related to the individual cannot be disclosed per Wis. Stat § 69.20 (2) (a), except as provided under sub (3). Further, all birth records have been fully electronic since 1994, and neither a certified, nor uncertified copy, contains all of the data elements collected at the time of a registered birth. Because of this there is no "copy" of a birth record to alter for birth registrations after 1994. Further, there are situations where an individual may have multiple impounded records, which is unaddressed by SB 483, and could further complicate how existing records processes are administered.

Additionally, the use of the term "unaltered" in Section 6 and Section 9 of the bill raises concerns, as it does not take into account that many impounded records are amended for various reasons prior to being impounded. Such amendments and annotations can't be excluded from the birth record and could be perceived as contradictory to providing an unaltered copy of the record. As such, DHS would be unable to comply with provisions regarding instances where an amendment is applied to an impounded birth record. Not only would providing an unaltered copy be in conflict with statutory requirements under Wis. Stat § 69.11 (5) regarding amending a record, DHS's electronic registration system does not currently have a mechanism to supply a version of the record prior to an amendment being done. Updating the existing registration system to account for this change would require significant fiscal and staff expenditures.

Coincidentally, other provisions of SB 483 may unintentionally broaden prior legislative intent and increase administrative burden. Changes to Wis. Stat § 69.15 (6) under Section 7 of the bill are an unnecessary broadening of existing statute. Impounded birth records happen for a variety of reasons beyond adoptions such as removing a parent who is not biologically related to the child or registrant. The bill as drafted would apply to all scenarios for impounded birth records and not just those intended for adoptees. SB 483 would also increase administrative burden for DHS staff by requiring them to inform registrants about

statutory provisions for access to medical information and identifying information about parents. As mentioned previously, certain sections of a birth record are restricted by state statute and do not print on a certified or uncertified copy of a record. Requiring staff to provide certain information is not only burdensome, but may be in conflict with existing statutes highlighted under Wis. Stat § 69.20 (2) (a). Lastly, significant system changes would be needed in order to issue uncertified copies of impounded records under SB 483, effectively increasing administrative burden for both staff and stakeholders. Such a process would require new forms to be created, communications and training would need to be created and updated, and user manuals would need to be updated. Similar to other parts of this testimony, these updates would require significant fiscal and staff expenditures.

DHS is appreciative of the emotional and mental health concerns raised by the bill authors and is committed to improving mental health for all Wisconsinites. It is the intent of this written testimony to highlight the mechanics of the vital records process for adoptees and how it would be impacted by SB 483. DHS thanks the Committee for the opportunity to provide written testimony on this bill.



TO: Chair Jacque, Vice-Chair Ballweg, and Honorable Members of the Senate Committee on Human Services, Children, and Families
FROM: Amanda Merkwae, Legislative Advisor
DATE: January 5, 2021
SUBJECT: 2021 Senate Bill 483

The Department of Children and Families (DCF) appreciates the opportunity to provide written testimony for information on Senate Bill 483 to outline the implications of this legislation as currently drafted.

Wisconsin’s Adoption Records Search Program

Wisconsin has embraced, as a long-standing principle, balancing the value to an adult adoptee in knowing their biological background for medical, social, cultural, and emotional reasons, with the right to privacy for a birth parent. This principle underlies Wisconsin’s current Adoption Records Search Program (ARSP) which is governed by Wis. Stat. ss. 48.432 and 48.433 and administered by DCF. The primary purpose of this program is to help individuals who have been adopted or whose birth parents have been terminated to obtain information about themselves and their birth relatives through a streamlined process.

Through the current program, an adult adoptee at age 18 or older can request from DCF social history information, medical and genetic information about birth parents and family members, and the identity of a birth parent. DCF staff search specialists in ARSP are social workers who are equipped to have sensitive conversations with adult adoptees regarding their requests and the content provided in response to requests. ASRP social workers conduct a search and outreach to birth parents in response to an adoptee’s request for information, notify the birth parent of the adoptee’s request, and seek consent to disclose identifying information from a birth parent if consent had not previously been provided.

If the birth parent consents or the birth parent is deceased	If the birth parent does not consent to disclosure of identity
DCF discloses the identity of the birth parent to the adult adoptee along with medical, genetic, and social history information.	DCF provides the adult adoptee medical, genetic, and social history information in a non-identifying manner (i.e., with the birth parent name(s) redacted).

The only instance in which an adoptee cannot access the original birth certificate is when a living birth parent requests anonymity.

Senate Bill 483

SB483 requires the Department of Health Services (DHS) to provide, upon request of the adult adoptee, unrestricted access to the adoptee's unaltered birth record, which includes the disclosure of the identity of a birth mother who placed a child for adoption, including the identity of a birth mother who has chosen and been assured confidentiality under current law.

This presents significant concerns because, in effect, the bill rescinds the confidentiality protection that was extended to birth mothers at the time the mother placed her child for adoption. These birth mothers are likely to have progressed to different stages of their lives; exposing their past decision may be distressing and disruptive to them and their current relationships with family members, friends, faith community and/or professional colleagues.

In addition, the bill creates a complicated process for adoptees to obtain adoption-related information by requiring the adoptee to request certain adoption-related information from DHS and access other adoption information through DCF. The bill also does not align the confidentiality provisions across the two departments, resulting in DCF continuing to redact the names of birth parents who have not provided consent to DCF, even though these names may be disclosed to the adult adoptee by DHS, creating unnecessary workload for each department and confusion for the adoptee. Ultimately, DCF's skilled social workers are experienced at traversing the emotional journey with clients, as well as the logistics of dispersing information about their history. Keeping the complete adoption record search process within DCF's purview allows ASRP social workers to serve as a trauma-informed liaison between each of the parties and ensure adoptees are provided complete and accurate information.

DCF recognizes the value to adult adoptees of knowing one's birth and adoption history for medical, social, cultural, and emotional reasons. The department also recognizes the confidentiality protections that were extended to birth parents under current law at the time the child was placed for adoption. DCF is pleased to engage with the Committee and individuals with lived experience from each group impacted by adoption—including adoptees, birth parents, birth siblings, and adoptive parents—in further discussions on possible modifications to this legislation to achieve the goal of developing statutory changes that balance the interests of all stakeholders, provide streamlined access to information for Wisconsin citizens, avoid unintended consequences, and support Wisconsin children and families to pursue fulfilling and healthy lives.

Thank you for the opportunity to provide written comments about this legislation. Please do not hesitate to contact me at amanda.merkwae1@wisconsin.gov or (608) 513-7604 if there are any questions.

Open Records Testimony

My name is Amy Luetzgen and I am an adoptee from the closed records adoption era. My story of relinquishment and trauma is very much like scores of other adoptees. However, unlike adoptees who have access to the information of their own birth and birth families my records remain a highly safeguarded secret. I am writing this testimony in hopes of urging Wisconsin legislators to pass a bill to open currently sealed original birth certificate (OBC) records to all Wisconsin adoptees.

First, I must note that "open records" is the unconditional access by adult adoptees to their government/state held birth records. These records include a copy of the original, unaltered birth certificate and possibly the adoption decree along with any other previously sealed documents. These records do not include home studies, social workers' personal reports, agency records, attorneys' records or any other records that may come under an agency's domain. The request for legislation to "open records" is not about search and contact.

For everyone else, it's "Vital Statistics" — for adoptees, it's "Highly Classified". This is an extremely unfair and discriminatory situation. All Americans, adopted or not, have a right to access government records about their own lives. Not allowing that access infringes upon an adoptee's life, liberty and pursuit of happiness.

Adoptees who do not have this fundamental information about their original records are treated as second-class citizens in the country and state of their own birth. I made two attempts in this century to obtain my original birth certificate and was denied. I can attest to the fact that it is extremely challenging to be denied the information about your own origin story.

Tennessee, Oregon, New York and other states have passed measures supporting open records for adult adoptees. For over 25 years, the State of Kansas has practiced an open records

policy. Kansas allows adult adoptees to receive copies of their original birth certificates on request, and offers search and reunion intermediary services to those who wish to use them. In 25 years, the state: has not had any reported problems, has seen no increase in abortions, and has seen no decrease in the number of adoptions.

The Child Welfare League of America supports open adoption and open records. It is necessary that Wisconsin join the effort to support open records for all adoptees and not just a limited number.

It is frustrating that open records are so often confused with search and reunion efforts. They are two distinct areas. Open records merely allow an adult individual to obtain what is rightly theirs. Their identity. This includes the birth name and information surrounding their birth. Obtaining a photocopy of a birth certificate will not mean that a birth parent is easily found or searched for at all. What the media has unfortunately focused on is search and reunion stories and not focusing on the real issue. The real issue is access to government records pertaining to the adoptee. While many happy reunions have taken place due to open records, it is not the main reason for this much needed legislation. It is critical to give adoptees access to their own legal information. There have been situations where adoptees have been refused vital documents, such as passports, because their amended birth certificates were not considered sufficient.

Adult adoptees in many nations of the world have unrestricted access to their original birth records as a matter of right. In Scotland, adoptee records have been open since 1930, and in England since 1975. Sweden, The Netherlands, Germany, South Korea, Mexico, Argentina, and Venezuela are only a few of the many nations which do not prevent adult adoptees from accessing their own birth records.

In contrast, adult adoptees in all but approximately ten states in the U.S. are forbidden access to their own original birth

certificates. Outmoded laws created "amended" birth certificates, which replace the names of the adoptee's biological parents with those of the adoptive parents, and frequently have falsified other birth information as well. The original records are permanently sealed in most states by laws largely passed after World War II, a legacy of the culture of shame which stigmatized infertility, out-of-wedlock birth, and adoption.

Why are they still sealed in most of the U.S.? The most likely reason is that well-funded special interest groups representing certain adoption agencies and lawyers and some civil liberties groups have a vested interest in keeping adoptee records closed. These special interest groups would continue to deprive adult adoptees of their rights, most likely to prevent the disclosure of controversial past practices, which are now hidden by state-sanctioned secrecy, as well as create special parental privacy privileges that no other parent enjoys.

Sealed records proponents claim that birth parents have a right to remain anonymous from their relinquished (now adult) children, and that this stems from the constitutional "right to privacy." Generally, however, the courts have determined the right to privacy to mean protection of individuals from government intrusion, not the right of one individual to remain anonymous from another. The right to privacy is not the same as a right to secrecy. No one has a constitutional right to anonymity from another person.

Adoptees do not want special rights. This fact needs emphasis. They only want what everyone else can take for granted. They should be able to access their original state-held birth certificates in the same manner as all other adult citizens.

OBC access does not violate a birth parent's privacy rights because there is no public disclosure. Only the adoptee whose birth occasioned the creation of the original birth certificate would have access to it. The original birth certificate was not sealed to

protect the identity of the birth parent. The original birth certificate is sealed upon the decree of adoption, not upon the birth parent's relinquishment. If protection of the birth parent were intended, the original birth certificate would be sealed upon termination of her or his legal relationship to the child, not at the beginning of the legal relationship of the adoptive family. Even today, with records still sealed in most states in the U.S., birth parents must consider their responses to being found, since anonymity could never be guaranteed.

Birth parents give up their legal relationship with their children when they sign irrevocable relinquishment documents. The state must not allow birth parents to reappear decades later and prevent their own adult children from obtaining the civil and human rights guaranteed to all other individuals. Only a tiny handful of birth parents want to conceal their identities from their children. Their possible embarrassment does not outweigh the civil and human rights of millions of U.S. citizens, and more to the point thousands of Wisconsinites. All Americans have a right to their identity and to equal protection under the law.

There is no real conflict of interest between birth parents and adoptees. The apparent conflict is a creation of the opposition to OBC access, primarily from a section of the adoption industry, which fears its past misdeeds coming to light and of special interest groups who use adoption secrecy to promote their own agendas which have little or nothing to do with adoption.

While many adoptees search for their biological relatives to discover the answers to questions regarding medical history and family heritage, all adoptees should be able to exercise their right to obtain the original government documents of their births and adoptions whether they choose to search or not. The real issue is allowing tax-paying citizens the right to their own birth information. Closed records promote a two-tiered system where adoptees from the closed record era do not have access to their

own rightful information and adoptees from open records eras do have access. This situation is the definition of unfairness.

Wisconsin legislators have the power to undo decades of discrimination for Wisconsin citizens who happened, through no decision of their own, to be adopted and who have a Constitutional right to the information regarding their own birth.

August 15, 2021

Dear Members of the Wisconsin Senate Committee on Human Services, Children and Families:

My name is Susan Gehring. I am the proud adoptive mother to my son, Jason (age 14). I was able to meet Jason the day he was born. I was the first adult to hold him, feed him and tell him, "I love you". I knew that day I would do everything in my power to give him the best life that he deserved and to always be honest and open with him about his birth story. Part of my promise to him that day was to always give him the answers to questions he may have about his origin of birth, because as his mom, I knew that was what would be best for him. Every human being deserves that basic right, yet thousands of people don't have it!! I urge you to change the current law and allow adult adoptees access to their original birth records.

There is an abundance of research out there that proves when adoptees are given information about their life story, they are better adjusted, have higher self-esteem, and have a better sense of identity. The Minnesota/Texas Adoption Research Project cited these factors as "key findings" in their years of research. In the case of my son, I assure you that had we not been part of an open adoption, and had access to his birth records, he would not have the self-esteem, sense of identity and level of adjustment that he has today.

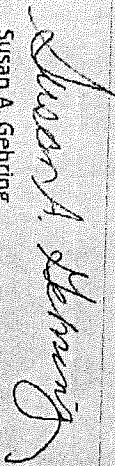
Our family enjoys an open adoption in which we developed a relationship with Jason's birthmother and extended family from the day he was born. We were able to receive critical information regarding his physical and emotional health history that we can share with his pediatrician. We have been able to get information about his genetic make-up/ethnic background (something people born into biological families automatically have). When he is asked what nationalities run through his bloodline, he has the answer to that question. Recently, just within the past month, we were contacted by Jason's birthfather, and he, for the first time, was able to have a conversation with his full biological sister, who is just 1 year older than he is. I can't tell you what a difference that has made in his life to have that instant connection with someone he can relate to that shares the same bloodline, same genetics, same birth parents as he does—something I could never give him. We hope to soon meet them in person and obtain additional information from his birthfather as it pertains to his health and nationality.

While Jason wasn't part of the Minnesota/Texas Adoption Research Project, I can assure you, the fact that he has many critical pieces of his life's puzzle has made a significant difference in his overall well-being. Raising a teenager is hard. At a time when our adolescents are searching

to figure out who they are, where the fit, making meaning of their lives, continually curious and always adjusting...these kids struggle daily with navigating life and transitioning into adulthood. Raising a teenager who is adopted and helping him figure out his true identity is even harder!! That search for identity and where you fit in the world just doesn't go away when you become an adult—it is an ever-evolving process that carries us throughout our entire lives.

With that, I urge you to make the right decision and allow our adult adoptees access to their birth records so it can aid them in their ever-evolving search of self-identity.

Respectfully submitted,



Susan A. Gehring
Adoptive Mother

Dear Senators Jacque and Darling,

I write in support of Senate Bill 483, which will provide adopted individuals with unrestricted access to their original birth records at or after age 18. While there are numerous reasons to pass this bill, I write from the perspective of a physician. Passing Senate Bill 483 will improve an adoptee's ability to obtain his or her family history of medical illnesses. Such information can be life modifying or lifesaving. For example a young, adopted woman who learns of her strong family history of premenopausal breast cancer could undergo more aggressive monitoring, or could chose to have prophylactic mastectomy. A family history of Lynch Syndrome would mandate early screening for colon cancer to prevent death. In summary, I strongly support Senate Bill 483 and appreciate your efforts in passing this important legislation.

Sincerely,

Karen E. Hansen, MD, MS
Professor of Medicine
Department of Medicine, Rheumatology & Endocrinology
University of Wisconsin School of Medicine & Public Health

My name is Dawn. When I was 16, I gave birth to beautiful baby boy. Since I didn't have my family's blessing or help, I knew my only option was to give him up for adoption. It was the hardest thing I have ever done in my life. I prayed to God that if I was not making the right choice for him to please give me a sign.

He was given to a close teacher of mine who couldn't have children. She was an amazing woman! A couple months after she welcomed him, she found out her husband was cheating on her and she killed herself.

I took this as my sign and tried to fight to get him back. The foster mother allowed me to come to her home and take care of him as if I was alone. She would be in the next room but told me she would not help because she wanted me to figure out how to do this on my own. Needless to say after many failed attempts, I didn't know the first thing about being a mom and miserably failed.

He was then adopted by another family who I was able to meet and who sent me pictures of him on his first birthday. That was the last I heard anything from them but prayed for him daily.

After he turned 18 he started the process to find me. He encountered many obstacles and dead ends but thankfully never gave up. After spending countless hours, he found my brother. When we finally talked on the phone the very first time he told me he just wanted to thank me for giving him life!

Please let adoptees gain access to their birth certificates so that others can experience the blessing I am so thankful for.

We have been together now for 18 years and my life has come full circle. I know there are many others who may not have the knowledge or the determination to find their birth parent like my son did. Please help these families. Thank you.

Sent from my iPhone

TO:

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RE: 2021 Senate Bill 483 relating to access to birth records

Chairman Andre Jacque and the members of the Committee:

I am a professor emeritus at the University of Baltimore School of Law, where I taught courses in the areas of constitutional law, family law, and professional responsibility. Since the 1990s my research and writing have focused on adoption law, including the history of the laws governing adoption records. (I provide citations and links below.) Gaining an understanding that legal history is part of what has encouraged legislators in many states to restore access to records that at some point had been denied to adult adoptees.

As I explain below, states closed records to protect adoptive families' privacy and to protect them from possible interference by birth parents. States' laws have not guaranteed lifelong anonymity for birth parents. Birth mothers during the last century were not given a choice about or promised even confidentiality in the surrender papers they signed. Those who sought confidentiality sought to conceal their pregnancy from their families or communities rather than to conceal forever their identities from their children or to foreclose for themselves any chance of learning how their children fared in life. It is therefore not surprising that birth mothers have been among the most vocal supporters of adult adoptee access to records.

1. Why were records closed? When adoption records around the United States were closed to inspection by the parties to the adoption as well as the public, they were closed to protect adoptive families' privacy and to protect adoptive families from possible interference or harassment by birth parents, not to protect birth parents' privacy.

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. This was the recommendation of the first Uniform Adoption Act, promulgated in 1953. Similarly, the United States Children's Bureau's position was that adopted adults have a "right to know who he is and who his people were."

Despite the experts' recommendations, many states, including Wisconsin, did begin to close original birth records 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 adoptive parents or to adult adoptees, or both. In the states in which access to both 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 from birth parents, not to protect the privacy of 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. The records were never closed and have always been available in Alaska and Kansas. Since 1990, when Alabama closed these records, Alabama and eighteen other states have made records available to all or most adoptees.

2. Has the law guaranteed lifelong anonymity for birth parents? As federal and state courts have found in cases challenging restored access, lifelong anonymity has not been guaranteed by federal or state constitutions or by the 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 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 have received copies of documents with identifying information about the birth mother.

When the first two states restored access that had been closed to adult adoptees -- Tennessee and Oregon -- their laws were unsuccessfully challenged in the courts. The Oregon courts held that under state and federal constitutions, the law neither unconstitutionally impaired the obligation of contract nor invaded a guaranteed privacy right. Oregon's typical 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 violated 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.¹

3. What choices were given and what promises were made to birth mothers by adoption agencies and other adoption facilitators? 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 or facilitator. This fact inspired me to investigate what the surrender agreements did provide. I collected documents from birth mothers who were given copies of the documents they signed; many birth mothers were not. I have 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. From decade to decade and from state to state, the provisions of these documents are the same.

¹ Language in this and the previous paragraph is taken from pages 432-434 of my 2001 article, which is cited at the end of this testimony.

The birth mother surrenders all of her parental rights and is relieved of all of her parental obligations. She does not retain or acquire any rights. A Wisconsin mother, for example, in a two-sentence form in 1988 “freely consent[ed] that an order be made . . . terminating all my parental rights to said child and appointing a guardian. I fully understand that upon such termination of my parental rights, said child may be adopted without any further hearing or notice to me.” While an adoption of the child is an aim or the aim of these surrenders, 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 never knows if the child is successfully adopted. If the child is not adopted, there is 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 were increasingly supporting adult adoptee access to information and that legislative efforts were underway to restore access in those states in which it had been foreclosed.

Forty percent of the documents birth mothers signed do, however, 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.*

4. Did birth mothers -- although they were not and could not be offered a choice of whether to remain forever unknown to their children -- desire confidentiality or anonymity? As a commission appointed by the governor of my state 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 who sought confidentiality were seeking to conceal their pregnancies from their parents, or from other members of their communities, rather than to conceal their identities forever from their children or to foreclose for themselves any chance of learning how their children fared in life.

This historical account is consistent with today’s realities. Openness is now the norm in domestic infant adoptions, and the common understanding is that birth parents are more open to placing their children for adoption *if* there will be a degree of openness in the adoption arrangement. With respect to birth parents’ current attitudes about adult adoptees’ access to original birth certificates, studies and surveys conducted since the 1980s show that overwhelmingly large majorities of birth parents, up to 95 percent and above, either do not oppose, or approve of, or actively support access and are open to 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. Today, DNA databases are increasingly helping adoptees find biological relatives. While many adoptees are successful in their searches, as countless stories in the media attest, many other adult adoptees who search for information about their original identities remain unsuccessful and frustrated because they lack access to original birth records.

5. Has restoring adult adoptee access to records proved harmful or beneficial? States’ legal systems in which adult adoptees have access to original birth records are operating very 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 those states, adult adoptees are not arbitrarily separated

into two groups -- adoptees who are able to find information about their origins without access to birth records and adoptees who are not able to find information without access. Adult adoptees have obtained fundamental information about themselves; and in cases in which adoptees and birth parents have wished to meet and become acquainted, access has led to countless fulfilling reunions.

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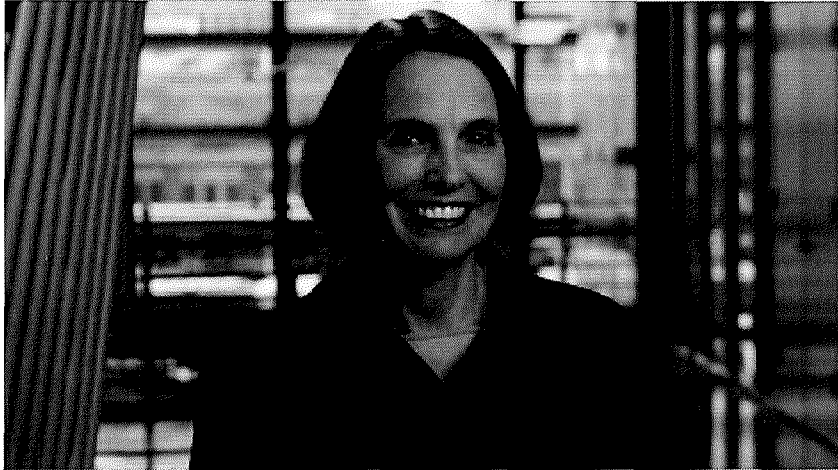
Related references:

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.)

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.)

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.)

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Education

J.D., University of Chicago, 1980

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Curriculum Vitae

Areas of Expertise

Child and Family Law / Adoption

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Professional Responsibility

Professor Samuelson came to the School of Law as a visiting faculty member in 1987 and joined the permanent faculty in 1989. She retired in June 2020.

Samuelson worked as a journalist before attending law school, where she was an editor of the *University of Chicago Law Review* and an attorney in the Mandel Legal Aid Clinic. Following law school, she served as law clerk to Judge James L. Oakes, United States Court of Appeals for the Second Circuit. After clerking, she was a legal services attorney and an adjunct law professor in Alabama.

She was the director of the School of Law's first-year Legal Skills Program from 1987 to 1994. She does *pro bono* work in the civil rights and in the child and family law areas and is a member of the Alabama Bar.

Selected Publications

Journal Articles

An Immodest Proposal for Birth Registration In Donor-Assisted Reproduction, In the Interest of Science and Human Rights, 48 New Mexico Law Review 416 (2018).

Surrender and Subordination: Birth Mothers and Adoption Law Reform, 20 Mich. J. Gender & L. 33 (2013).

Adoption Consents: Legal Incentives for Best Practices, 10 Adoption Quarterly 85 (2006).

Legal Representation of Birth Parents and Adoptive Parents, 9 Adoption Quarterly 73 (2006).

Time to Decide? The Laws Governing Mothers' Consents to the Adoption of Their Newborn Infants, 72 Tenn. L. Rev. 509 (2005).

The Idea of Adoption: An Inquiry into the History of Adult Adoptee Access to Birth Records, 53 Rutgers L. Rev. 367-437 (2001). (Excerpted in Naomi Cahn and Joan Heifetz Hollinger, eds., Families By Law: An Adoption Reader (N.Y.U. Press, 2004).) (Available in full on the Web site of the American Adoption Congress, www.americanadoptioncongress.org.)

The Strange History of Adult Adoptee Access to Original Birth Records, 5 Adoption Quarterly 63 (2001).

Stories Out of School: Teaching the Case of Brown v. Voss, 16 Cardozo L. Rev. 1445 (1995). (The subject of an extensive note in the widely used property law casebook, Jesse Dukeminier and James E. Krier, Property 839-41 (9th ed. 2017).)

The Art of Line Drawing: Public Aid to Religiously Affiliated Child Care, 69 Ind. L.J. 39 (1993).

Other Articles

Adoption, Encyclopedia of Privacy (William G. Staples, ed., 2007).

Birth Certificates, Encyclopedia of Privacy (William G. Staples, ed., 2007).

Mothers' Consents to Adoptions: "Best Practices" and State Laws, conference book of the International Society of Family Law international conference, July 2005, Salt Lake City, Utah.

Adoption With Contact Law Awaits Governor's Signature, The Daily Record (Baltimore, Maryland), Apr. 22, 2005, Commentary section.

Book Review: Adoption in America, Edited by Wayne E. Carp, Journal of Interdisciplinary history, 35(1) (MIT Press, Summer 2004).

How Adoption in America Grew Secret, Op-Ed, Wash. Post, Oct. 21, 2001, at B5.(Reprinted in 19 Decree 11 (Fall 2002); Adoptive Families, January/February 2002, 17; and CUB Communicator, Winter 2001/2002, 26.)

Hello, my name is Maureen Russell. I live near Hartford, Wi. I am a birth mother, AKA, a biological mother. I gave birth to a beautiful baby girl on October 18, 1968. She was a special gift that I gave to some very special parents. I never saw, held, or kissed her but she was always in my heart. At the age of 21 & with the help & support of her mother she was able to contact a mutual friend and asked if I would be interested & willing to meet. Without any hesitation I said YES. We have now been friends for over 30 years & I have two beautiful granddaughters who I see as often as we can. I was able to meet her parents, go to her wedding, been invited to birthdays, graduations. All of this joy because of our mutual friend. I can't imagine life without her. If we had never met I would have a hole in my heart that no one could patch. We were the lucky ones. We had this friend. How hard is it for others who can't get any information on their birth mothers. They should be able to try & reunite with them. Maybe not all meetings will be happy but they should have the opportunity to find their heritage. Please open up birth records. If the birth parents don't want to meet then let them say it. Don't keep these children in the dark. Help them see the light & love they have missed.

Maureen Russell
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Sent from my iPad