

Dear Legislators:

I am given to understand that you are presently considering a bill concerning the circumstances under which an adoptee can have access to their original birth record. I am also given to understand that on an issue so central to adoptees you have declined to hear testimony from one of us. As an adult adoptee, I implore you to consider and hear testimony from the children (now adults) who are themselves the subject of plenary adoption. They and they alone are qualified to speak on this issue; no adoption lawyer or other entwined in the system is in a position to speak for us. I urge you in the strongest possible terms to listen to adoptees and to join what is increasingly the trend of state legislatures and to grant adoptees unfettered access to their own birth records. (My home state of New York enshrined this fundamental right into law approximately three years ago.)

It is often said that adoptees form part of a triad, along with birth parents and adoptive parents. This is a misnomer: adoption is a bilateral agreement whereby a mother, usually in a less advantageous position socially and economically, agrees to surrender her child to adoptive parents. The adoptee has no say whatsoever in the matter; indeed, the adoptee must abide by an agreement not made of his or her own accord and arguably not to his or her own benefit *in perpetuity*, even after attaining the age of majority. The adoptee, by operation of law, is precluded from knowing or having access to information about his or her kin—contrary to the United Nations Convention, which recognizes these as fundamental human rights.

Let us examine what occurs when an adoption is finalized. The name of the adoptee is changed and the adoptee is irrevocably severed from all natural kin. The birth certificate is altered—more accurately, falsified—to reflect the fact that the adoptive mother has given birth to the child. Such occurs by force of law in a plenary adoption and is true whether the adoption is an open or a closed one. (It should be noted that I am a lawyer and learned about the legal effects of adoption in Property class, underscoring the nature of transaction.) The first mother has no more claim to the child she has given birth to than a stranger. The adoptee has no say in whether they are adopted; they are severed irrevocably from their birth kin in perpetuity; they do not have a right to annul their adoption save in WV and ME; they do not have the unfettered right in many states—including Vermont—to their own birth certificate, a reflection of their status as second-class citizens who continue to be denied their fundamental human rights.

Modern adoption practice is increasingly viewed as misguided; some would call adoption a failed social experiment. Natural kin cannot simply be supplanted *de jure*—though this is what adoption attempts to accomplish. (Another fact worth mentioning is that these aspects of adoption—the secrecy, the closure of birth records—became the practice when Georgia Tann, a notorious child trafficker, petitioned for those changes to the law the better to serve her clientele.)

Adoptees are a marginalized group and like other marginalized groups we suffer from systemic harms. It is not a question of whether an adoptee has had a “good” or a “bad” adoption; such questions belie ignorance and investment in a corrupt system. The system once favored married infertile couples over younger, unmarried mothers (the former “rescuing” the adoptee from the stigma of bastardy; the latter succumbing to societal pressure and frequently coercion to surrender their infants to what society deemed more worthy parents); now, adoption tends to be characterized by a transfer of children from kin in their country of origin to richer, generally whiter, parents in the U.S. Rather than supporting families, nearly all of whom would prefer to keep their children if given modest financial support and the opportunity to raise them—we give tax incentives to wealthy adoptive parents who spend upwards of 100k in fees to acquire their children.

The only party in the so-called triad who bargained for secrecy and whose interests are served by secrecy are the adoptive parents and an adoption industry that encourages the fantasy that children are fungible blank slates. Sealing of records does not occur upon surrender, but upon adoption, underscoring exactly who benefits from such a practice. (Note that I refer to “secrecy” and not “privacy”: every person has a right to privacy; no one has a right to act as gatekeeper and to keep secret what is another’s fundamental information.)

There is perhaps nothing so fundamental as knowledge of oneself and one’s origins. It is cruel to withhold such information from adoptees in perpetuity; no sound legal or other reason why an adult upon reaching the age of majority ought not have unfettered access to fundamental information about their very self. The legislature and the justice system should not abet this continuing violation of what is recognized as a fundamental human right.

Sincerely,

Carol LaHines