

TO: Vermont House Committee on Judiciary
FROM: Ellie Lane
DATE: February 8, 2022
RE: H.629, relating to access to adoption records

I am a domestic infant adoptee. I was born, placed for adoption through a private agency, legally adopted, and raised here in Vermont, and I support H.629.

I would like to share some background information, my personal experience, and some of the reasons I support this bill, and encourage you to go a step further to protect the rights of adoptees by eliminating the disclosure veto for birth parents.

As you likely know, infant adoptees' original birth certificates are sealed by the court and replaced with new versions with their adoptive parents' information. Adoptees often do not have access to identifying information about their birth families, their origins, or ancestry. It's common practice to change adoptees' names, first, middle, and last, and adoptees' family trees are rewritten. That was my experience.

There is growing recognition of the trauma that adoption often causes for adoptees and birth parents. While our culture often views adoption as a positive experience, a happy ending, we rarely acknowledge where the story begins. Before adoptees can be placed in new homes, they first have to lose everything. The current practice of erasing adoptees' identities and replacing them with new ones created by courts and adoptive families furthers that loss. Denying adult adoptees access to their origin story is one more way the State participates in and perpetuates harm against adoptees.

Under current law, people who were adopted in Vermont on or after July 1, 1986 have access to the identifying information of their birth parents once they reach adulthood, if their birth parent has not filed a request for that information to remain sealed. I fall into this category and used the Vermont Adoption Registry to access my adoption records, including identifying information, and obtained a copy of my original birth certificate last year, which came with a large stamp across it that reads "For Informational Purposes Only" and obscures some of the text underneath.

It's hard to express how significant it has been for me to fill in the pieces of where I came from. Learning the identity of both birth parents and being able to begin to assemble a family tree, helped me to better understand my roots in our state, and in turn, in our nation's story. These are things that most people take for granted but have been extremely valuable to me. All adoptees, regardless of when they were adopted, and their adult children, should have access to that information if they want it.

However, Vermont denies this to adoptees who were adopted before July 1, 1986. Their information remains sealed unless their birth parent expressly consents to the disclosure. This must be changed.

Most simply, current law assumes all birth parents who are open to their biological child accessing this information will know they must, and know how to, consent to their identifying information being shared. In my experience, this was not true. Though he had never consented to the disclosure of his information, or provided updated contact information, my birth father was enthusiastic when I made contact. To deny an adoptee their history because someone didn't know they needed to complete a certain form is inhumane.

Beyond this, an adoptees' right to their identity should outweigh a birth parent's desire to remain anonymous. Adoptees placed at young ages don't have the opportunity to consent or not consent to be adopted, to have their identity changed and their history erased by a court. A person's fundamental right to know their own identity and seek out their own story is not something others should have the legal right to deny.

In the age of at-home DNA kits, anonymity is a false promise for birth parents. Adoptees who are denied access to their information by official channels can and are using alternative methods to find this information, and that process involves contacting whomever they match with - relatives of their birth parents including siblings, cousins, parents, even second and third cousins, sharing their stories and asking for assistance.

For all parties, this is dehumanizing. For adoptees, it means sharing their stories and setting themselves up for disappointment and possible rejection multiple times. For birth parents, it means having family members put in difficult positions, deciding whether or not to share information, how, and when, and bringing those family members into the already difficult and emotional process of engaging in or declining a reunion.

For birth parents who have kept their child a secret, it means exposure of sensitive information to people they'd rather not know, and a more painful process than being contacted directly by their child and given the opportunity to communicate their lack of interest in a relationship, or being able to express the desire not to be contacted, along with the release of identifying information. It's important to remember that an adoptee or their children's access to information is not a guarantee of a relationship, nor does it make the information publicly available.

I believe it's informative to look at the historical origins of the practice of sealing adoption records, and who they intended to protect. Opponents of allowing adoptees access to their records often cite a need to protect birth parents who wish to remain anonymous. However, early adoption laws did not seal or restrict access to records.

In the United States, laws restricting access to records were not widely passed until the middle of the 20th century, largely to protect adoptees from the embarrassment of being illegitimate. That is no longer a concern, and the practice should be discontinued. The Committee can read more about this in [*The Open-Records Debate: Balancing the Interests of Birth Parents and Adult Adoptees*](#) by Caroline B. Fleming, published in the William & Mary Journal of Race, Gender, and Social Justice.

Article 8 of the United Nations Convention of the Rights of the Child reads that:

- “1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name, and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.”

The State should not be sealing the identities of children and withholding that information from them into adulthood.

For all of these reasons, I urge you to ensure all Vermont adoptees have access to their identities and original birth certificates and eliminate the disclosure veto for birth parents. Allowing birth parents to express their wish not to be contacted along with the disclosure of identifying information would better protect all parties from future harm than withholding records.