

Testimony of Gregory D. Luce
Attorney and Founder | Adoptee Rights Law Center

I am the executive director of Adoptees United Inc., a national nonprofit organization dedicated to equality for all adopted people. I am also an attorney and the founder of Adoptee Rights Law Center, a law firm where I represent adult adopted people and analyze laws and legislation related to the issue before you today. I am considered a national expert on adoptee rights issues related to identity, heritage, and citizenship. I am before you personally, in my capacity as an attorney, and as an adult adopted person who was born and adopted in Washington, D.C.

I've submitted a number of illustrations in my written materials, including one that shows how the New England region and the state of New York handle this specific issue today. Currently, Massachusetts and Vermont are the sole outliers in restricting an adopted person's own birth record, though Massachusetts is close to removing that restriction entirely. All other states in this region—Maine, New Hampshire, Rhode Island, New York, and Connecticut— provide an adult adoptee, who is at least 18 years of age, a copy of the adoptee's own pre-adoption birth record, without restriction (and without incident). I've submitted that graphic to help the committee understand how Vermont sits next to its neighbors and how much of an outlier it will be if it does not enact H.629.

The three things I hope this committee will understand about this issue—at its core—are these:

1. **A Single Piece of Paper: The Birth Certificate.** To understand this issue, we must be careful and precise about what records we are talking about. This issue is about a vital record filed with the Vermont Department of Health. It is not about any other records. It is not about private adoption agency records. It is not about hospital records or maternity home records. It is not about court records. It is about a single piece of paper: the original birth certificate of an adopted person. And, in Vermont, adopted people are the only people denied that document upon request, even as an adult.

2. **This is not about search and possible reunion.** The issue today is not about reuniting with a birthparent—it is instead about a person’s right, in fact the right of all people, to request and obtain a copy of their own vital record, without discriminatory restrictions. What anyone does with that record is up to them. Some search, some already know all the information on it, and some simply file it away, satisfied that their birth—their actual birth—has been acknowledged and verified by the State of Vermont. This right, to possess your own birth record, is currently a right of all Vermonters, except for people born and adopted in the state.

3. **Confidentiality is Not Anonymity.** There is no such thing as anonymity related to someone else’s birth. It is a misnomer, likely generated in the context of private infant adoptions involving adoption agencies, whose workers falsely claimed to birthparents decades ago that “no one will ever find out.” That was untrue. Wholly untrue and misleading to birthparents. It is also a damaging myth today. The tools have always existed, especially if you had the means, to find out who you were born to. We heard some of those stories yesterday in this committee. Today, however, DNA is just the most recent tool, and it happens to be inexpensive and highly effective.

It is important to note that pre-adoption birth records, or the original birth certificate as we call it—in Vermont and across the country—are sealed **only after the finalization of an adoption**. If there is a relinquishment or termination of parental rights but no subsequent adoption, the original birth record remains available to the registrant upon request. If a birth parent is under the belief that they cannot be found or known because they relinquished a child, they have been lied to. That child may not ultimately be adopted or, in some cases, an adoption may fall through. Again, the record is then available upon request.

More specifically, Vermont adoptive parents have the absolute right under the law to request that no new birth certificate be issued after an

adoption. This is not a decision by the birthparents and not a decision by the agency. It is up to the adoptive parents.

So when we hear about birthparent anonymity and their alleged control over the release of a birth record that is ultimately not their own, it has no support in the law, and never has. It is a myth, but it is a deeply embedded myth that adoptees have to fight against every time we come before a legislative body like yours.

Importantly, adopted people understand privacy like all other Vermonters. We are not existential threats to birthparents nor to anybody else—though we are constantly treated that way. We are often treated and defined as the worst thing to happen to our birthmothers, if not all birthmothers. We are frozen in time as infants, and at a time of crisis and sometimes shame within a family. And yet today we continue to live the burden of that shame by denial of our own birth records., And that shame is also continually reinforced in how we treat birthparents, not only as damaged people but as secrets that must be hidden away. The reinforcement of that shame must end, and H.629 is the best means to do that.

Finally, adopted people are the living experts on how to handle relationships, if any are sought, with biological relatives. We know and live the navigation of complex biological knowledge—but only if we are ever given that knowledge. In fact, close to 100,000 birth records have been released in at least ten states to date, without reported incidents. The world has not fallen apart and lives have not been ruined when the truth of a person's own birth is given to that very person.

As we heard from many people in the House and as Senator Baruth indicated yesterday, people will be found. As Annette O'Connell, a search angel, testified, people are found, "no matter if you are a nun, a priest, or a survivor of sexual assault." In the House we also heard from two people whose lived experiences mirror circumstances that this committee seems concerned about—birthmothers who relinquished a child for adoption, including one who was a survivor of rape. They both supported this bill, in fact strongly supported it, and one was a former legislator in Maine.

The Mechanics and Structure of H.629

The current bill before you is simple and does one primary thing: it separates the state's adoption registry—which is largely about facilitating contact between biological family members—from the state's vital records system, which is about proof of birth and documentation of a person's own full identity.

I have attached two charts showing how that separation is structured. In one, the Vermont Adoption Registry will no longer be involved in providing a “permission slip” to adopted people in order to obtain their own birth records. Rather, the registry will continue to do what it does today—operate as an intermediary service to facilitate contact, if any is requested, between biological family members, including birthparents, descendants, and siblings. The one change is to sunset nondisclosure requests after July 1, 2024, though nondisclosure requests filed prior to that date will be honored in relation to identifying information; that is, information about the current whereabouts of a biological family member. The other change is to facilitate the filing of contact preference forms that birthparents may file at any time. Those forms, if filed, will state one of three things:

1. I prefer to be contacted directly;
2. I prefer to be contacted but through an intermediary;
3. I prefer not to be contacted.

Any adult adopted person who requests assistance from the registry will be informed of a birthparent's contact preference and, if previously filed, any nondisclosure request in the past.

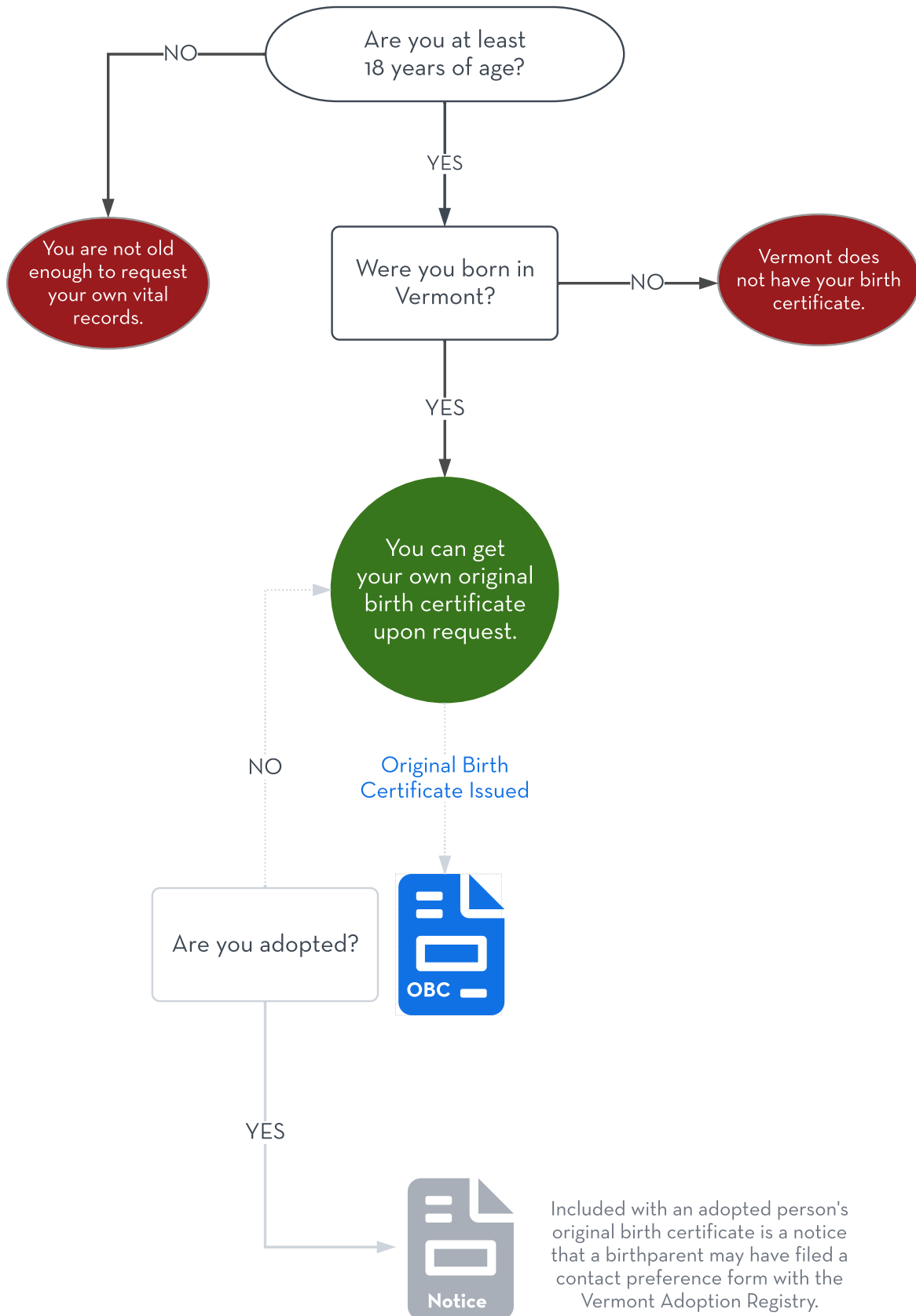
The vital records component of the bill is also straightforward. An adopted person completes a form, pays the required fee, and in a few weeks receives a copy of their own original birth certificate. In addition, the adopted person will receive a notification that a birthparent contact preference form may have been filed with the registry, with information about how to apply for

assistance through the registry. This is similar to what happens currently in New York, where the state department of health promotes its voluntary registry when they release a certified copy of the original birth certificate. To date, more than 20,000 certified copies of the original birth certificate have been released to New York adopted people and their descendants.

This issue is not about searching for relatives or even contacting them. It is about the inherent dignity of adults to possess their own vital records. What they do with those records is up to them. But it is their record and their truth of their birth, and the state at its core must trust its own residents with those truths, as New York, Maine, New Hampshire, Connecticut, and Rhode Island already do. I ask that you report H.629 favorably from this committee.

VERMONT H629

Birth Record Process



VERMONT H629 Registry Process

