



Senate Judiciary Committee: H. 629 Adoption
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Thank you for the opportunity to provide testimony on H. 629. We have listened to and hear the stories that many adoptees have shared with the legislature about their struggles obtaining information about themselves and how important this information is to some adoptees. We support making the process of getting this information easier and more streamlined for the vast majority of adoptees. However, we are very concerned that this bill eliminates any pathway forward that retains confidentiality for birth parents.

As the statewide coalition on issues related to domestic and sexual violence, our primary concern is the impact of legislation on people who are victims or survivors of domestic and sexual violence. For some individuals, their victim status is related to their reproductive choices – including the adoption choice. **Maintaining an avenue for confidentiality is critical for birth parents who have experienced, or are experiencing, domestic and sexual violence and for those who believe that the knowledge of the adoption would put them at risk of harm.**

We believe that there needs to be a continued pathway to requesting and seeking non-disclosure for birth parents that protects their personally identifying information on all documents in the adoption registry and through the Department of Health. Some of the same personally identifying information that is in the adoption records is also on the birth certificate.

According to the Violence Against Women Act (VAWA)¹, personally identifying information for victims of domestic violence, sexual violence and stalking is defined as:

“Personally identifying information” means information about an individual that may directly or indirectly identify that individual. In the case of a victim of domestic violence, dating violence, sexual assault, or stalking, it also means information that would disclose the location of that individual. Personally identifying information includes information such as an individual’s name, address, other contact information, and social security number, but it also can include information such as an individual’s race, birth date, or number of children if, in the particular circumstances, that information would identify the individual. Personally identifying information also may include information that is encoded, encrypted, hashed, or otherwise protected.

¹ <https://www.justice.gov/ovw/page/file/1006896/download>



Accordingly, we propose:

- **Looking Back:** We support the provision that would open up access to birth certificates unless there is a previously filed non-disclosure agreement on file with the adoption registry, along with the 2-year notification period so that anyone who does not have a non-disclosure request but wishes to file one may do so. We request that this non-disclosure request also keep confidential the personally identifying information of the birth parent (name, social security number, contact info, and birth date) on an original birth certificate. However, we don't think that this needs to preclude these adoptees from obtaining their original birth certificates. In instances where a non-disclosure request is on file, we would suggest that adoptees be issued a redacted copy of their original birth certificate that would include all the adoptee information, such as their birth name and place of birth but would redact the birth parent's personally identifying information. There is already a process through which the adoptee can petition the probate court for the release of the birth parent's personally identifying information and this process should remain in place to aid the adoptees in these cases.
- **Moving Forward:** This bill does not currently provide a pathway for confidentiality moving forward and we would like to see this pathway continue, as it does in current law, to help support the safety of the birth parents when needed. We believe that the non-disclosure form used currently is appropriate and ought to remain an option for the small percentage of birth parents who need their information to remain confidential. This process should keep all personally identifying information in both the registry files and the original birth certificate confidential. If adoptees request their original birth certificate and a non-disclosure request is on file, the adoptee can receive that redacted copy of the birth certificate.