

## Testimony to Senate Judiciary Committee

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Thank you for having me here with you today. It is my honor to be able to sit here and speak with you and help educate about current themes in adoptee advocacy and some of the bigger themes underlying this current legislation.

First, a bit about my expertise in this issue. I am an adopted person, in reunion with my biological family. My records are tightly sealed in a courthouse or dark dungeon somewhere in Washington DC, the place of my birth and adoption. I am the Vice President of PEAR (People For Ethical Adoption Reform) and act as their director of education and domestic adoption matters. I am a founding board member of Adoptees For Choice, and serve as their Director of Media Relations. It has been my honor to join the Vermont Adoptee Rights Working Group to help bring the adoptee voice into this legislation. I have a recorded class for adoptive parents, called Living Adoption. And lastly, I have a public advocacy platform. It started six years ago as an outreach for my project Adoption: Myths and Misgivings, a book about common myths that adoptees frequently face in their lives. This work involved interviewing literally hundreds of adoptees, and connecting with thousands more, including connection with countless adoptees in reunion with their biological families. I believe this work gives me a unique perspective: a clear view into the actual lives of adult adoptees well after the act of adoption has happened. A perspective that no adoption facilitator, adoptive parents, or any other non-adopted person could have. Adopted persons are the experts in adoption, as we are the only ones who live it.

Our society has a powerful narrative about adoption. It is simplistic, reductive, and mostly focused on the theme of a disadvantaged child being taken in, saved even, by better people for a better life. When most hear the word “adoptee”, an image of a baby or a young child come to mind. Search “adoption” on the internet, and voluminous amounts of videos, images, and stories featuring happy adoptive parents and infants and little children appear, huge smiles and tears of joy. Rarely does the silver-haired woman, mom of three teenagers, turning 50 this year, come to mind.

Adoptees are primarily seen and valued as the happy outcomes of our adoptive parents’ family building, or alternatively as the relieved burdens of our birthparents who had a crisis pregnancy. Rarely as the actual complex and autonomous human beings that we grow up to be: adults with families of our own, thoughts of our own, relationships of our own making... fully functioning and whole members of society.

Adoption, before it is relational, is transactional. All adoptions begin with an act of the State. It is legal, contractual. The person that was born to our birthparents is legally un-personned. That un-personned child is transferred in a contract, and then re-personned with a new identity, new parents, an intended clean wipe of the slate. “Win-win”. Our birth certificates are made to reflect a legal fiction: that our non-related adoptive parents actually gave birth to us. Our old person, the one we started life as, is then sealed away. Hidden even from the person it pertains to. Court officials, social workers, town clerks, lawyers, official record keepers, and even our birth parents have more right to see our own records than we do. In non-disclosures, the right

to deprive us of our own original birth certificate is even given to other people just because we share DNA. We are made state secrets to ourselves.

I was watching the testimony of a similar bill in Louisiana last week, where an adoptee testified about her experience with their State adoption registry. She was speaking to a social worker who was holding her original birth certificate in her hand. The social worker told the adoptee that she could not give it to her or even show it to her, because (quote) "this person doesn't exist". The adoptee responded, "what do you mean? I am right here. I exist." Imagine this for a moment, if you can, from the perspective of the adoptee. Being told that our very origin is "not ours", that it belongs more to the impersonal State, or a facilitating agency, than the actual human being it was created for.

Representative Notte said before the House Judiciary vote on the bill, "The birth certificate is their [the adoptee's] document. It is one of the key documents in a persons' life. It is a key factor in someone's identity.....I don't feel that one adult has the right to deny another adult this key component of their personhood."

The argument for keeping our original birth certificate inaccessible to us is the "privacy" and even "safety" of the birth family. Let's address both of those concepts head on.

In Vermont, that act of amending the birth certificate and sealing of the old one is at the petition of the adoptive parents, NOT the birthparents. It is not even a legal requirement for an adoption to be complete in our state. The sealing of the birth certificate is a PRACTICE, not a statutory requirement.

If adoption facilitators made promises to birth families, promises that (quote) "no one will ever know", then this is a promise that never should have been made. Confidentiality and privacy do not mean SECRECY. Even the law states that it is possible that records can be unsealed, there is no 100 percent promise. However, statutes are not promises. They can and should be changed whenever they marginalize and deprive a particular group of people of civil rights, simply because of the circumstances of their existence. Adoptees are one of the only groups of people still existing today, who through no choice or agency of their own, are forced to live under codified laws that deprive them of rights that all other citizens enjoy without restriction.

Why are we attempting to defend and keep the promises made by adoption facilitators? Promises that we ourselves did NOT MAKE. I declare, in autonomy, that no one has a right to make a promise on my behalf. Any promises made on my behalf, without my consent, promises that deprive me of equity under the law, should not be kept. This is an opportunity for restorative justice.

The original intention of the sealed birth certificate was not to protect the privacy of birthparents. It was, instead, to prevent interference in the adoptive family FROM the birthmother, protection for the child from being labeled a bastard, and protection of the adoptive family from the cultural stigma of infertility. It created the possibility of never telling the child of their adoption. However, IF the spirit of the closed record is truly privacy for the birth family as has been argued, then that spirit is betrayed and obliterated by commercial DNA testing. I have submitted to you for your review, a chart showing a typical search for birthparents using DNA testing. It is one of the least private processes available. Often, the birthmother is the very last person to know that their secret is out and looking for them. In my own case, my DNA match on ancestry was an uncle, who received my contact on the eve of his wedding, which my birthmother, his older sister, was officiating. He had to have the conversation with her, and both

she and I were deprived the dignity of being each others' first contact. My fellow adoptee and friend Jennifer, who gifted me that fateful DNA test, spent two years contacting dozens of distantly related DNA matches until she found her first mother.

Think about that as it relates to privacy and compare that with the act of handing the birth certificate directly to the adoptee. If you truly have a concern about the potentiality of the adoptee attempting contact and violate the privacy of the birthfamily, release the birth certificate directly to the adopted person...One point of contact. Even so, our desire to have access to our own birth record is more frequently not about "search and find". Many of us already know our biological families. Some adoptees have no desire for connection. Perhaps they just want to frame it, pass it to their children, burn it in a cleansing ceremony on a foggy night. It's ours, and ours to do with as we please.

Lastly, I would like to dismantle the idea that adoptees receiving their own original birth certificate presents an inherent "safety" risk to birth families. First, if this was the case, we would have heard of this coming to fruition in the several other states that have made original birth certificates available to adopted persons. There are no cases of harm coming to birth families because an adoptee got their birth certificate. Secondly, even if there was some safety risk to a birth parent, it is not from the adopted person. The burden of protecting people who are at risk of harm should not be on the only non-consenting party in adoption, the adoptee. That burden rests on the law, social services, and law enforcement. When you prevent us from access to our own original birth certificate in the name of the "safety" of another person, you are essentially slapping a restraining order on us, pre-emptively, for the crime of existing.

This is not an "adoption bill". This is an "adoptee rights bill". The adoption is not in question here. This is a matter of equity and civil rights, and I ask you to frame this entire issue in that light. I thank you for allowing me to come and speak with you today, and if any of you have any questions for me, I am happy to answer. I am most specifically able to speak into the experience and long term outcomes of adoptees in reunion with biological families, common mythologies around adoption, and common themes and goals in current adoptee advocacy and discussion.