

## Adoption: Access to Birth Records

### What We Know

- › Adoption is the permanent, legal transfer of parental rights and responsibilities from birth parents (BPs) to adoptive parents (APs).<sup>(8)</sup> Adoption is also understood to be a lifelong process involving complex, dynamic relationships between children, their biological families, and their adoptive families that take place in the context of their community and culture.<sup>(7)</sup>
- › During much of the 20th century, adoption in many Western countries involved a high degree of confidentiality and secrecy, which was designed to protect those involved from the stigma associated with birth to unmarried women and with infertility, as well as to prevent BPs from intruding in the adoptive family.<sup>(4,11)</sup>
- › Over the past several decades, adoption practice has increasingly shifted toward more openness, both in the sharing of adoption information with children and in the amount of contact between BPs and APs and, in some instances, between BPs and adopted children.<sup>(4,11)</sup>
  - Since the 1970s, adopted adults have increasingly sought the right to have access to their original birth certificates (OBCs) and other information regarding their histories.<sup>(4)</sup>
  - Efforts to allow adopted adults unrestricted access to their OBCs have been met with opposition by some birth parents and adoption agencies, who assert that records should remain sealed based on implied or stated promises of confidentiality given to BPs at the time of adoption.<sup>(2,4)</sup>
- › Adults who are adopted may seek their OBCs and/or contact with birth relatives out of interest in their genealogy and family history to become aware of genetic risk factors for medical conditions, to seek medical records and/or birth relatives in response to a current medical condition, to strengthen their sense of identity, to gain kinship, and/or to gain a sense of closure.<sup>(3,4,12)</sup>
  - Adoptees' interest in their birth histories varies. Some have little interest in pursuing information or contact, whereas others are moderately interested and some have a high level of interest or preoccupation.<sup>(4)</sup>
  - The adoptee's interest in his or her birth history may be heightened around certain life-cycle events, such as the birth of his or her child, or an adoptive parent's death.<sup>(4)</sup>
  - The desire to search for one's birth parents has not been linked by research with the individual's satisfaction with his or her adoptive family.<sup>(4)</sup>
- › The adopted adult's access to information about his or her adoption is regulated by law and varies among countries and U.S. states.<sup>(2,4)</sup>
  - In the majority of U.S. states, when children are adopted the original birth certificate is sealed and an amended certificate is issued with the APs listed in place of the BPs. Non-identifying information (e.g., the birth parents' physical characteristics, race, ethnicity, religious background, medical and educational histories, and reason for placing the child for adoption) is provided to adoptive parents.<sup>(3)</sup>
    - All states allow adult adoptees and APs of minors to access non-identifying information; some states also allow BPs and adult siblings of adoptees access to the child's non-identifying social and health history.<sup>(3)</sup>

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October 12, 2018

- In the United States, two states (Kansas and Alaska) have never restricted access to OBCs, and some states, including Tennessee and Oregon, have enacted statutes that allow adopted adults to request their OBCs<sup>(4)</sup>
- In the remaining states, disclosure of identifying information is allowed only with the consent of the other party or pursuant to court order<sup>(3,4)</sup>
- Adopted adults are also allowed access to OBCs in Scotland, England, Finland, Israel, New Zealand, Germany, Belgium, Holland, Sweden, Norway, Denmark, Iceland, Taiwan,<sup>(4)</sup> and some Canadian provinces, including British Columbia and Newfoundland<sup>(12)</sup>
  - The Scottish Adoption Act has allowed adopted persons open access to their original birth and adoption records since 1930<sup>(2)</sup>
  - The Children Act 1975 and Adoption Act 1976 in England and Wales ended the promise of confidentiality in adoption and allowed adult children access to their original birth certificates. The Adoption and Children Act 2002 established intermediary services to facilitate BPs' efforts to contact their children through adoption support agencies; as a result, those adopted after its enactment also need to use the intermediary to get their birth certificates<sup>(2)</sup>
  - The Adoption Act 1984 in Victoria, Australia, retroactively granted adult adoptees unconditional access to their birth records and established intermediary services for BPs interested in contacting their children<sup>(2)</sup>
- Adult adoptees in states and countries that do not allow open access to OBCs may utilize one or more alternative means to attempt to obtain their records or contact birth families<sup>(2,4)</sup>
  - Adopted adults may petition courts to unseal their OBC if they are able to demonstrate "good cause"—for instance, a pressing medical issue<sup>(4)</sup>
  - Active registries, or confidential intermediary services, may be provided by a private or public agency that has been authorized to access sealed adoption records, upon the request of the adopted adult (or birth parent), in order to attempt to locate and contact the other party. If both parties are willing, the intermediary then assists them with exchanging information and/or establishing contact.<sup>(3,4)</sup> Counseling may be offered and provided to both parties to assist with anticipating and managing their emotions during the search process<sup>(12)</sup>
  - Passive, or mutual consent, registries provide a means for adoptees and birth parents to independently register if they desire contact; however, no search is conducted and contact is made only if both the adopted adult and his or her birth parent(s) register<sup>(3)</sup>
    - As of 2015, 37 states in the United States have established mutual consent registries<sup>(3)</sup>
    - Registries tend to have low match rates, in part because they are underpublicized and understaffed<sup>(4)</sup>
- In some jurisdictions, BPs may submit contact preference forms to indicate their wishes regarding contact. A more stringent measure, contact vetoes, allows the BP to prohibit the adoptee from initiating contact and often includes a possible fine or sanction<sup>(4)</sup>
- › Although adoption agencies are generally required by law to retain information about adoptions for a specified period of time (over 100 years in most states), records may be lost or difficult to locate (e.g., they may have been destroyed in a fire or flood, or transferred to another agency when the original agency or attorney's office closes)<sup>(6)</sup>
- › Research examining international adoption disclosure practices has not supported concerns that information would lead to unwelcome contact<sup>(2)</sup>
  - In England, Wales, and Scotland, adopted adults have been allowed access to their adoption records for 30–80 years, and although 55% of adoptees sought information about their adoptions and/or sought contact with their birth families, researchers have found little evidence that the adoptees pursued contact against their BPs' wishes or that they behaved in a way that was harmful to the BPs<sup>(2)</sup>
  - Most BPs welcome contact and find that it helps with unresolved grief. Very few BPs (1% or fewer) who file a contact preference form indicate a desire for no contact<sup>(4)</sup>

## What We Can Do

- › Become knowledgeable about psychosocial and legal considerations involved in adoptees' access to their birth records so you can accurately assess your clients' personal characteristics and education needs; share this information with your colleagues

- › Develop an awareness of your own cultural values, beliefs, and biases, and develop knowledge about the histories, traditions, and values of your clients. Adopt treatment methodologies that reflect the cultural needs of the client<sup>(1,5,9)</sup>
- › Practice with awareness of and adherence to the social work principles of respect for human rights and human dignity, social justice, and professional conduct as described in the International Federation of Social Workers (IFSW) Statement of Ethical Principles<sup>(9)</sup>—as well as the national code of ethics that applies in the country in which you practice. For example, in the United States, social workers should practice with awareness of and adherence to the National Association of Social Workers (NASW) Code of Ethics core values of service, social justice, dignity and worth of the person, importance of human relationships, integrity, and competence; and become knowledgeable of the NASW ethical standards as they apply to adoption and practice accordingly<sup>(10)</sup>
- › Educate adoptive families about the importance of maintaining children’s adoption records (e.g., adoption decree, birth family history) in a safe and secure manner, including retaining original documents in a safety deposit box, if feasible<sup>(6)</sup>
- › Provide information, referrals, and support to adopted individuals who are seeking access to their birth records
  - Adoption professionals should be knowledgeable of federal and state laws pertaining to the release of adoption information and follow policies and protocols
  - Adoption search registries and reunion resources include:
    - Adopted.com, <https://www.adopted.com/>
    - Child Welfare Information Gateway, <https://www.childwelfare.gov/topics/adoption/search/searching/>
    - International Social Services, <http://www.iss-usa.org/services/services-for-adults>
    - International Soundex Reunion Registry, <http://www.isrr.org>
  - Accessing birth records and searching for birth relatives often brings up intense emotions for all involved parties. Referrals for counseling and support groups may be helpful during the search process
    - Information about birth family and adoptee search support groups, state reunion registries, and confidential intermediary services may be found at <http://www.childwelfare.gov/nfcad>

## Note

- › Recent review of the literature has found no updated research evidence on this topic since previous publication on January 6, 2017

## Coding Matrix

References are rated using the following codes, listed in order of strength:

<b>M</b> Published meta-analysis	<b>RV</b> Published review of the literature	<b>PP</b> Policies, procedures, protocols
<b>SR</b> Published systematic or integrative literature review	<b>RU</b> Published research utilization report	<b>X</b> Practice exemplars, stories, opinions
<b>RCT</b> Published research (randomized controlled trial)	<b>QI</b> Published quality improvement report	<b>GI</b> General or background information/texts/reports
<b>R</b> Published research (not randomized controlled trial)	<b>L</b> Legislation	<b>U</b> Unpublished research, reviews, poster presentations or other such materials
<b>C</b> Case histories, case studies	<b>PGR</b> Published government report	<b>CP</b> Conference proceedings, abstracts, presentation
<b>G</b> Published guidelines	<b>PFR</b> Published funded report	

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