



**NATIONAL RESOURCE CENTER
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at the Hunter College
School of Social Work

***INFORMATION PACKET:
Birthright: An Adoptee's Right to
Know***

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Fact Sheet

This paper will provide information about the policies and principles concerning adoptees who search for their birth parents. I will discuss the psychology behind adoptees' innate curiosity to search for their birth families as well as the history of adoption record laws.

An estimated 6 million adoptees live in the United States (Fischer, 2002). In a 1989 study of the issues involved in adoption, the Maine Department of Human Resources Task Force on Adoption found that 95% of the adoptees surveyed expressed a desire to be found by their birth parents (Freundlich, 1998).

Why do adoptees search for their birth parents? Some seek out genetic and health information. Others wish to develop a relationship with their birth families, or to find answers to the many questions that, to them, have been left unanswered (Melina, 1998). These question marks often create a need for adoptees to fill in the missing pieces of their lives so they can feel whole.

Many adoptees in the U.S. face numerous hurdles in searching for information about their birth families. Most states have strict laws limiting access to this information, as a result of sealed adoption records. Many groups today are advocating to change these policies and to open up adoption records for adoptees and their birth families (Carp, 1998).

History of Adoption Record Policies: Beginning with the Minnesota Act of 1917, sealed adoption records were gradually utilized throughout the U.S. Authentic birth records were placed under court seal and then rewritten as if the child had been born to the adoptive parents (Rosenberg, 1992). The original purpose of closing records was to provide privacy and remove the stigma of illegitimacy from the child; it was not initially intended to prevent adoptees from learning about their past (Baran & Pannor, 1995).

Research in the 1960's and 1970's brought increased attention to the effects of maternal loss and separation on children. Agencies began attending to family dynamic theory and studying the effects of adoption. The 1970's also marked the beginning of the widespread movement in favor of open adoptions, as it became more clear that secrecy and denial in adoption had negative effects (Rosenberg & Groze, 1997). Since the 1980's, many government-sponsored adoption reunion registries have emerged as a way to facilitate information exchanges between adult adoptees and their birth parents, providing both parties agree to contact (Freundlich, 1998). Many adoptees, however, begin their search without such mutual consent.

Current legislation in the U.S. regarding adoptee rights to secure information about their birth families varies greatly between states, and is frequently changing. In most states, adoptees can now request non-identifying information about their birth families, such as medical information and physical descriptions (Freundlich, 1998). Access to authentic birth records and other identifying information, such as names, addresses, and social security numbers, is more limited. For information about policies for each state, please refer to: http://naic.acf.hhs.gov/laws/statutes/infoaccessap_search.cfm#state

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Top 5 Websites:

The following websites are dedicated to addressing the issues, policies, and legislation surrounding the subject of adoption, specifically those that face adoptees searching for their birth families.

1. **<http://naic.acf.hhs.gov/>**

A comprehensive site by the National Adoption Information Clearinghouse with resources on all aspects of adoption, including research, workshops, policies and legislation. The legislative materials are broken down by subject and by state. This site contains a wealth of information covering a variety of topics related to adoption.

2. **<http://www.bastards.org/>**

Dedicated to advocating for adoptee rights. Emphasis on proactive political involvement, aiming to educate and promote changes in the adoption system.

3. **www.adoptionlawsite.org**

This website is dedicated to promoting and improving the laws, policies, and practices associated with the child protection and adoption systems in the United States. Links are available to other sites dealing with similar issues, including links to individual state court websites.

4. **www.reunite.com**

(A part of the larger umbrella of www.adoption.com) Features access to public records, people searches, reunion registries and more. Also gives tips and offers support services for individuals searching for lost family members.

5. **<http://www.americanadoptioncongress.org/>**

The American Adoption Congress website is dedicated to increasing awareness about the realities of adopted life for birth and adoptive families. This website contains a myriad of resources related to existing adoption policies and legislation, advocating for the right for birth family reunification, and offering assistance and support to individuals affected by issues of adoption.

Summary

The heart of the issue surrounding the topic of adoptees searching for their birth parents lies in the ongoing debate over closed vs. open adoption policies. This dispute persists as each side continues to argue over which policy is more beneficial to those involved in the adoption process, and which carries with it more detrimental effects.

Many of those who favor open adoption records claim that the original intent of closing records is now irrelevant, for adoption is by and large free from its once shameful stigma. This claim, along with greater attention to the negative effects of closed adoption records on adoptees, has led to a gradual movement towards wider acceptance of the benefits of open adoption policies. Baran & Pannor (1995) claim that open adoption practices enable birthparents to better cope with feelings of loss and grief surrounding the experience of giving up their child. Because contact is not off limits, birthparents often find open placements reassuring. This contact also greatly diminishes adoptees' feelings of rejection by their birthparents, as they benefit from a realistic understanding of the problems that led to their placement. The continuing link with the birthparent dispels the notion that the child was abandoned or rejected. Adoptive parents also benefit from open adoption practices; adoptees who are provided with contact and/or concrete facts about their adoption are better equipped to deal with fears and fantasies that might otherwise negatively affect the relationship with their adoptive parents (Baran & Pannor, 1995).

Arguments in favor of closed adoption policies also compelling. Many in favor of closed adoptions emphasize the unsettling message that open adoption practices give to adoptees. Byrd (1988) explains that open adoptions carry expectations that contact will exist and continue between the adoptee and his/her birth family. Byrd explains that these expectations may be harmful to the personal progress of both the adoptee and the birth parents, and argues that the practice of open adoption facilitates an ambiguous relationship that may unwittingly open up a Pandora's box of new problems. Byrd also claims that open adoption has great potential for interfering with the bonding process between adoptees and their adoptive parents (Byrd, 1988).

I myself am in favor of open adoption policies, but am struck by the arguments that they might generate confusing messages for adoptees regarding how to relate with their birthparents. Indeed, many supporters of open adoption point to this mixed message. Joyce Maguire Pavao, an adoption therapist and advocate in Boston, points out that open adoption records give adoptees a right to information, but not a right to a relationship. It is this point that informs her practice of providing mediation between birth parents and adoptive families. This dialogue facilitates open communication regarding each side's perceptions and expectations of roles and responsibilities surrounding the adoption (Joyce Maguire Pavao, personal communication, April 25, 2004).

While the surface debate seems to be whether adoption records should be open or closed, a closer examination reveals that this issue extends deeper. The real questions about open adoption actually surround the potential for conflicting or disappointing perceptions regarding the kinds of relationships that should develop between adoptees and their birth parents. I feel that future work in this area should support open dialogues and intermediary contact between birth parents and adoptive families. It is the hope that facilitating this communication can create a healthier situation for those involved in the adoption process, while at the same time helping to prevent misunderstandings and false expectations from developing.