

# *Myth or Truth?*

## Facts about Adoptees' Birthright Legislation

### Myth #1: "Mutual consent registries are the answer."

#### Facts

- Registries do not address adult adoptees' civil right to have their own birth certificate.
- Registries consistently fail because:
  - Birth parents or adoptees may have died. *Dead people don't register.*
  - The actual place or date of birth may be incorrect on the amended birth certificate.
  - Most registries require adoptee applicants to have been born and adopted in the same state.
  - To register, adoptees must have knowledge that they were adopted.

#### Evidence

- State registries have a 98% failure rate. – *American Adoption Congress study, 1998*
- NJ law allows adoptive parents to change their child's place of birth to match their place of residence. – *N.J.S.A. 26:8-40.1*
- Before reaching the age of 18, one in 20 children loses a parent due to death. – *U.S. Census, 1990*
- "The fact that birth relatives do not *initiate* contact is not an indication that they would not *want* contact with the adopted person." – *"The Adoption Triangle Revisited: A study of adoption search and reunion experiences", British Association for Adoption and Fostering, 2005*

### Myth #2: "Birth parents were promised confidentiality and wish to maintain their privacy."

#### Facts

- The U.S. Constitution, NJ statutes and surrender documents never guaranteed confidentiality to birth parents.\*
- Records were sealed to protect adoptive families, not birth parents. *NJ Assembly bill A188, 1940*
- The overwhelming majority of birth parents do not seek privacy from the children they relinquished.
- People do not have access to anyone's original birth certificate except their own.
- Many adoptive parents and adoptees learn the birth parent's name from adoption records or agency personnel.
  - \* Safe Haven birth mothers will remain anonymous.

#### Evidence

- "95% of birth parents agree to some form of contact." – *Dolores Helb, Adoption Registry Coordinator, NJ-Div. Youth and Family Services, 2004*
- "94% of *non-searching* birth mothers were very pleased or pleased that the adopted adult contacted them."
  - *"The Adoption Triangle Revisited: A study of adoption search and reunion experiences", British Association for Adoption and Fostering, 2005*
- "There can be no legally protected interest in keeping one's identity secret from one's biological offspring; parent and child are considered co-owners of the information regarding the event of birth." – *Federal Register, Model State Adoption Act, 1980*
- "The Constitution does not encompass a general right to nondisclosure of private information."
  - *US Court of Appeals, 6<sup>th</sup> Circuit, Promise Doe, et al., v. the State of Tennessee, No. 96-6197, 1997*
- The Oregon legislature did not create "a contract with birth mothers to guarantee them that their identities will not be revealed to their adopted children without their consent." – *Oregon Court of Appeals, Jane Does v. the State of Oregon, No. 98C-20424; CA A107235, 1999*

### Myth #3: "More women would choose abortion if they cannot be assured of a confidential adoption."

#### Facts

- No research indicates that confidentiality is a factor in the decision to abort.
- No factual documentation exists to correlate abortion (a decision not to be pregnant) and adoption (a decision not to parent).
- *The abortion argument is a red herring* – intended to divert attention from adoptees' right to their own personal information.

*(continued)*

### Myth #3: (continued)

#### Evidence

- In a national survey of 1,900 women having abortions, not one woman cited the inability to choose a confidential adoption as a factor in her decision to have the abortion. – “Reasons for Terminating an Unwanted Pregnancy”, Guttmacher Institute, 2003
- “We do not find there is a correlation between confidentiality and women going for an abortion.”  
– Frederika S. Tameling, National Office Lifeline Director, Bethany Christian Services
- Abortion rates in states with access laws are consistently lower than in NJ. In 2000, Alaska and Kansas reported 11.7 and 21.4 abortions per 1,000 women, respectively, while NJ reported 36.3 abortions per 1,000 women. – Guttmacher Institute, 2005
- The percentage of adoption agencies that offer information sharing has risen from 36% in 1987 to 79% in 1999.  
– Evan B. Donaldson Adoption Institute, citing Henney et al, 2003
- 89% of California agency adoptions involved meetings between birth parents and adoptive parents in 2001.  
– Evan B. Donaldson Adoption Institute, 2006, citing Characteristics of Agency Adoptions in California

### Myth #4: “Passage of access-to-birth-certificate legislation would reduce the number of adoptions.”

#### Facts

- In states with access laws, no documentation correlates adoptees’ access to their birth certificate with adoption rates.
- Demand for adoption has remained stable over time, despite increased openness between birth and adoptive families.
- Claiming that parents will not adopt because their adopted child will have access to the original birth certificate is unfounded.

#### Evidence

- “Researchers... suggest that the increased social acceptance of single parenthood has led more unmarried women to keep their children.” – Child Welfare Information Gateway, 2005
- “Since mid-1970s, relinquishments have declined from nearly 9% to under 1% of births to never-married women.”  
– Child Welfare Information Gateway, 2005
- “Since 2000, there has been no significant change in the number of Oregon’s non-public child welfare agency adoptions.”  
– Kathleen J. Ledesma, Program Manager, Oregon Department of Human Services, 2004

### Myth #5: “Access to birth certificates will undermine the strength of the adoptive family.”

#### Facts

- Truth strengthens families by removing fears and fantasies of adoptees and their parents. “To educate without a value system based on truth is to abandon young people to moral confusion, personal insecurity and easy manipulation. No country, not even the most powerful, can endure if it deprives its own children of this essential good.”  
– Pope John Paul II, World Youth Day, Denver, CO, 1993
- “The research demonstrated that the loyalty and love adopted people felt towards their adoptive parents and family did not lessen as a result of the search and reunion process.”  
– Letter to the Members of the NJ Legislature from Julia Feast, British Association for Adoption and Fostering, 2005
- “Adoptive families now demand access to background information concerning their adopted children.”  
– Joe Kroll, Executive Director, North American Council on Adoptable Children, 2004

#### Evidence

- “84% of adoptive parents support adult adoptees’ access to their own birth certificates.”  
– Cornell University / NY Citizens’ Coalition for Children survey, 1995
- “97% of adoptees said that meeting their birth parents had not changed the way they felt about their adoptive parents.”  
– “The Adoption Triangle Revisited: A study of adoption search and reunion experiences”, British Association for Adoption and Fostering, 2005
- **“98% of NJ residents with an adopted family member feel that access to birth family information is important.”**  
– Monmouth University Polling Institute, 2006

**The bottom line: "9-in-10 New Jerseyans feel that it is important for persons who were adopted to have access to their family medical history or other information about their heritage." – Monmouth University Polling Institute, 2006**