

TALKING POINTS
Senate Bill 63

Title: **AN ACT FURTHER REGULATING ACCESS TO BIRTH CERTIFICATES**

Sponsors: Berry, Spilka, and Rep. Lepper – **Sen. Fargo has done much work on this**

Summary: This bill will

- ✓ **open up access to birth records** for those individuals **born after January 1, 2008 or before June 17, 1974,**
- ✓ and **create a voluntary contact information registry** for those adoptees born between June 17, 1974 and January 1, 2008.

Cost: This legislation will have an approximate initial cost of \$100,000 and an annualized cost of approximately \$73,000 to operate the registry each year.

Talking Points:

- This bill **clarifies and amends existing law** to provide access to initial birth certificates for those adoptees born before July 17, 1974 and after January 1, 2008.
- For that **intervening period** where **birth parents had an affirmative expectation of privacy,** DPH **shall operate an information registry for contact information** provided strictly on a **voluntary basis** for those parents and children who wish to be connected.

- From the **1930s on**, states **began to affirmatively seal or close birth records** in a somewhat paternalistic **response to the social stigma of illegitimate births** as well as to provide adoptive parents a level of security against intervention by birth parents.
- In the last 25 years the climate has begun to shift as both the social stigma as well as the lack of legal status of children born out of wedlock has dissipated. In keeping with this trend, **more and more states have begun to open their birth records** and many **adoption agencies' procedures have evolved to incorporate post adoptive contact with birth parents.**
- There are **over 1 million people each year who** use private eyes, Google, as well as print and online ads to **search for a birth parent or child.** **This legislation strikes a just balance in assisting these searches** by assuring access to birth record information for future and pre-1974 adoptees, while also maintaining the expectation of privacy for those parents who gave up their children from July 17, 1974 to 2008.
- As a further privacy measure for those individuals who wish to voluntarily share their contact information, **this legislation exempts this information from the public records law.**

Only if Asked

- Some may fear that **absent the protection of anonymity some birth parents may turn to abortion** more frequently; however, data collected from states across the nation show **this assertion to be grounded in nothing but speculative thinking.**
- In **Alabama records were opened in 2000 and abortions declined 13% from 2000-2003.**
- In **Oregon abortions went down 10% after record were opened from 2000-2003.**
- **While nationally abortions decreased by only 2%.**
- **Alaska and Kansas who have never closed their birth records have the highest and 5th highest adoption rates respectively.**

SWM Amendments:

- Technical language changes to clarify what birth certificate could be accessed and to make the information in the contact registry one of the public records exemptions in GL ch. 4 § 7.

Amendment to S. 63

By inserting at the end of section 1 the following sentence:- "If an adopted person is deceased, his child, if he is 18 years or older, or the child's guardian if the child is under 18 years of age, shall have the same rights as those of the adopted person under this section.