



massachusetts society for the prevention of cruelty to children

March 21 2007

The Honorable Karen E. Spilka
Chairwoman, Joint Committee on Children, Families and Persons with Disabilities
State House, Room 511 C
Boston, MA 02133

Dear Chairwoman Spilka:

Thank you for the opportunity to testify today in support of Senate Bill 63 An Act Further Regulating Access to Birth Certificates. As an organization with a long history in the area of adoption through our Act of Love Adoptions program and, more recently, as the home of Adoptive Families Together (AFT) a peer support program for adoptive families we are deeply concerned about the detrimental impact of the Commonwealth's current policy with regard to access to birth certificates and fully support the bill before you.

I want to begin by thanking the members of the Committee for your thoughtful work on this issue. As you know, the bill in its current form made it to the Governor's desk in December of last year but was pocket vetoed. While the final outcome was disappointing, it was also a great victory for a bill that had not moved in the ten years prior. There can be no doubt that the key to that victory was the willingness of the members of the ABC Committee, the bill sponsors and each of you to work together to find a solution that respects the rights needs and interests of all parties.

The bill in its present form is a compromise centered around the premise that current public policy which denies adopted persons access to their original birth certificate except through court order, should for myriad reasons be changed. Therefore, the bill restores access to birth certificates to persons who were born prior to July 17, 1974 (the date the law was changed to limit access) and after January 1, 2008.

The bill also recognizes the deeply held conviction of some that during the period in which access to birth records has been limited, birth parents may have relied on this barrier of confidentiality and might suffer significant harm if this protection were to be suddenly withdrawn. Therefore, open access is not granted to persons adopted in the period July 17, 1974 to January 1, 2008.

Finally, the bill recognizes that efforts must be made to ensure that persons adopted in the period July 17, 1974 to January 1, 2008 have every opportunity to seek the cooperation of their birth parent in gaining access to their original birth record. Therefore the bill creates two mechanisms of assistance; 1) It creates a voluntary registry through which birth parents and adopted persons can make known their wish to grant or obtain access to these records 2) it requires judges to consider evidence of a birth parent's willingness to make their identity known to the adopted person to be sufficient to grant access to the birth certificate.



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As is the case with all negotiations, we understand that not everyone may be fully satisfied with all aspects of this bill. However, regrettably ten years of work on this issue has proven that a solution that accomplishes that goal is simply not achievable. We therefore respectfully ask that you once again focus on what is achievable, reversing this antiquated, prejudicial, policy in all past instances possible and, perhaps most importantly, for the future.

Sincerely,


Marylou Sudders

Sherrill J.