

S-63  
S.77  
H.2190

**Rosenfeld, Lisa (HOU)**

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**From:** Coakley-Rivera, Cheryl - Rep. (HOU)  
**Sent:** Wednesday, March 21, 2007 9:33 AM  
**To:** Ferris, Maureen (HOU); Rosenfeld, Lisa (HOU); Mendes, Ernestina (HOU)  
**Subject:** FW: Vote "No" on S.63, S.77, H.2190 - Legislation Relating to Confidentiality in Adoption

*Cheryl*

Rep. Cheryl Coakley-Rivera  
 House Chair, Joint Committee on Children & Families  
 Room 146, State House  
 (617) 722-2011  
 (413) 739-1503 (Springfield District Office)

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**From:** Lee Allen [mailto:lallen@infantadopt.org]  
**Sent:** Tuesday, March 20, 2007 6:28 PM  
**Subject:** Vote "No" on S.63, S.77, H.2190 - Legislation Relating to Confidentiality in Adoption

March 20, 2007

Children, Families & Persons with Disabilities Committee  
 Massachusetts General Court

**RE: Opposition to S.63, S.77, H.2190 - Legislation Relating to Adoption Confidentiality**

Dear Chairman and Members of the Children, Families & Persons with Disabilities Committee:

On behalf of the National Council For Adoption, I am writing to urge you to not pass Senate Bills 63 and 77 and House Bill 2190 out of committee. As written, this legislation would expose the identities and other private information of thousands of birthparents without their knowledge or consent, after they were promised confidentiality at the time they chose adoption.

Additionally, the bill eliminates the option of confidential adoption for all women with unintended pregnancies who place children for adoption after January 1, 2008. Thus, the bills leave the woman who feels she needs to maintain her privacy with abortion as her only confidential option. This inconsistent application of the right to privacy should not be allowed to stand.

In the last five years, at least 15 states have considered more than 30 pieces of mandatory openness legislation similar to S.63, S.77, and H.2190. Fortunately, state legislatures that carefully consider mandatory openness bills regularly defeat them. In fact, only one state has approved a radical mandatory openness measure, and then, by only a one-vote margin.

Adoption can remain safe and secure only if records are opened and contact made through the *mutual consent* of all involved parties. The legislation being considered in this committee will only undermine the security, privacy, and dignity of birthparents as well as adopted people and adoptive

3/21/2007

families, by allowing only *one* of the parties control over the release of sensitive, private identifying information. With its adoption reunion registry, which allows for mutually consensual exchanges and contacts, as well as access to medical records, Massachusetts already has the just policy for dealing with the issue of openness and privacy in adoption.

Thank you in advance for your consideration of this critical matter.

Respectfully,

Lee Allen  
Director of Communications  
National Council For Adoption  
703-299-6633  
Fax 703-535-1901  
Cell 301-693-6513  
[www.adoptioncouncil.org](http://www.adoptioncouncil.org)



COMMONWEALTH OF MASSACHUSETTS  
SENATE MAJORITY LEADER  
STATE HOUSE, BOSTON 02133-1053

MAR 26 2007

FREDERICK E. BERRY  
MAJORITY LEADER

ROOM 333  
TEL. (617) 722-1410

March 22, 2007

Senator Karen E. Spilka, Senate Chair  
Representative Cheryl A. Coakley-Rivera, House Chair  
Joint Committee on Children, Families and Persons with Disabilities  
Room 146, State House  
Boston, MA 02133

Dear Chairpersons Spilka and Coakley Rivera:

I am writing today in strong support of Senate Bill, No. 63, An Act Further Regulating Access to Birth Certificates that will be heard before your Committee on March 21, 2007. As lead sponsor of the legislation, it is my hope that the Committee will release this bill with a favorable report.

Senate Bill, No. 63 aims to reverse an antiquated state policy that prohibits adopted person from gaining access to their original birth certificates, while protecting the rights of those birth parents who believed their identities would remain confidential. Senate Bill, No. 63 provides adopted persons 18 years or older who were born on or before July 17, 1974 or on or after January 1, 2008 access to their original birth certificates. The bill also creates two mechanisms for individuals who are born outside of these dates to obtain a copy of their original birth certificates. First, a voluntary registry would be created through which birth parents have the option to release their information to interested adopted persons. Second, the bill would require judges to consider a birth parent's statement of willingness to make their identity known in the original adoption record sufficient evidence to grant an adopted person access to their birth certificate.

As you may already know, Senate Bill, No. 63 in its current form, was overwhelmingly passed by the legislature during the 2005-2006 legislative session. Unfortunately, Governor Mitt Romney chose not to sign the bill when given the opportunity. Although Governor Romney's inaction on this bill was disappointing, the bills overall advancement last session demonstrates strong broad support in the legislature. After ten years of hard work and compromise by all interested parties, I strongly believe this bill is a fair final product.

It is the above reasons that I once again respectfully request the Committee to release this bill with a favorable report. Thank you in advance for your attention to this important matter. Please feel free to contact my office if you have any further questions or comments.

Sincerely,



Frederick E. Berry  
Majority Leader



# ACCESS TO BIRTH CERTIFICATES

## Committee

Deborah M. Blanchard  
Braintree

Libbi Campbell  
Sudbury

Susan C. Darke  
Peabody

Susan M. Gaspard Hicks  
Randolph

Ann Henry  
Northampton

Helen C. Killian  
Boston

Suzanne J. Mc Gowan  
Northfield

Nora O'Farrell  
Brookline

To THE JOINT COMMITTEE ON CHILDREN, FAMILIES  
AND PERSONS WITH DISABILITIES:

On Behalf of the *Access to Birth Certificates Committee* (ABC) and all of the *supporting organizations* listed below, we wish to take this opportunity to thank you for your past support of access to uncertified birth certificates for adopted persons. We also offer our sincere appreciation for all your help in getting the last bill to the desk of our former Governor.

We have come before you once more and hopefully for the last time, to ask for your support for **Senate Bill # 63** and to ask that you pass it out of Committee with a positive recommendation. We fully understand that your persistence, patience and willingness to compromise with us, as well as, with your fellow Legislators have helped us tremendously. For that we are profoundly grateful.

Passage of this bill will be a huge step towards equality for everyone in the Commonwealth that is touched by adoption, most importantly, the Adopted Person. Adopted people born in the Commonwealth of Massachusetts prior to 1974 or after January 2008 (or the adoptive parent(s) if the adopted person is a minor), will no longer have to petition the Probate Court where their adoption was legalized. They will be able to access a copy of his/her original unamended birth certificate in the same manner that all non-adopted citizens of the Commonwealth are allowed.

Passage of this bill, which covers access to as many adopted people in the Commonwealth as possible, has been our sole priority since its inception ten years ago! We ask again that you pass this bill out of Committee with a positive recommendation and help us make this the law in the Commonwealth of Massachusetts.

We thank you again for your past support.

The ABC Committee would like to thank the following agencies and organizations for their continued support of the Access to Original Birth Certificates.

A Red Thread Adoption Services, Inc.	Norwood
Act of Love Adoptions/MSPCC	Boston
Adoption and Aid at Jewish Family Services	Salem
Adoption and Foster Care Mentoring (AFC)	Boston
Adoption Associates	Newton
Adoption Choices - Jewish Family Services of Metrowest	Framingham
Adoption Connection	Peabody
Adoption Journeys/Child and Family Services, Inc.	Fall River
AdoptionLink	Springfield
Adoption Professionals Association of Massachusetts	Statewide
Adoption Resource Center at Brightside	West Springfield
Adoption Resources of Jewish Family & Children Service of Greater Boston	Waltham
Adoptions With Love	Newton
Adoptive Families Together/MSPCC	Statewide
Alternate Family Matters, Inc.	Cambridge
American Adoption Congress	National
Angel Adoptions	Waltham
Beacon Adoption Center	Great Barrington
Berkshire Center for Families & Children	Pittsfield
Boston Adoption Bureau, Inc.	Boston
Bright Futures Adoption Center	Acton
Cambridge Family & Children's Services	Cambridge
Child & Family Service	Springfield
The Child Welfare League of America	National
Children's Caucus Steering Committee	Boston
Children's Friend	Worcester
Children's Friend and Family Service	Salem
Children's Services of Roxbury	Roxbury
China Adoption with Love	Brookline
Concerned United Birthparents	National
Concord Family and Youth Services	Concord
Downey Side Families for Youth	Springfield
Etsky Human Service Consultants	Bolton
The Evan B. Donaldson Institute	National
Family & Children's Services of Lynn	Lynn
Florence Crittenton League	Lowell
Hope Adoptions, Inc.	Worcester
Interfaith Social Services	Quincy
Jewish Family Services of Boston	Boston
Kid's Net/MSPCC	Boston
Love the Children, Inc.	Duxbury
MAPS International	Boston
Massachusetts Department of Social Services	Statewide
Massachusetts Families for Kids	Roxbury
Massachusetts Society for the Prevention of Cruelty to Children (MSPCC)	Boston
New Bedford Child & Family Services	New Bedford
New England Home for Little Wanderers	Boston
North American Counsel on Adoptable Children (NACAC)	National
ODS Adoption Community of New England, Inc.	Holliston
Raising Children's Voices	West Bridgewater
Raising Our Children's Children	Dorchester
Single Parents for the Adoption of Children Everywhere	Natick
Today Reunites Yesterday	Northampton
Treehouse Communities	Easthampton
United Homes for Children	Tewksbury
Wide Horizons for Children, Inc.	Waltham
World Child New England International Adoption Services	South Dennis

**Testimony before Joint Committee on Children, Families  
and Persons With Disabilities  
of the Massachusetts Legislature  
21 March 2007**

**My name is Helen Killian and as the mother of five, the youngest of whom was adopted, I have been working with the Access to Birth Certificates Committee for the last 10 years in an attempt to gain access to original birth certificates for adopted persons.**

**We come before you once more and hopefully for the last time, to ask your support for Senate Bill #63 and to ask that you pass it out of Committee with a positive recommendation.**

**You will see from the materials we have given you, that the ABC Committee has the support of over 55 child focused agencies and organizations both local and national.**

**We fully understand that your patience, persistence and willingness to compromise with us, as well as, with your fellow Legislators have helped us tremendously. Because of your efforts last session, this bill made it all the way to the Governor's desk. For that we are profoundly grateful.**

**Passage of this bill will be a huge step towards equality for everyone in the Commonwealth that is touched by adoption, most importantly, the Adopted Person.**

**We thank you again for your past support and we look forward helping in any way we can to make this bill the law in the Commonwealth of Massachusetts.**

**Helen Killian  
33 Marlborough Street  
Boston, Massachusetts 02116  
617-670-0400**

**Testimony before Joint Committee on Children, Families  
and Persons With Disabilities  
of the Massachusetts Legislature  
21 March 2007**

**My name is Elizabeth Campbell. I am a birthmother and the Ma. Director of Concerned United Birthparents, Inc., the oldest and largest birthparent organization in the U.S. I am also a 10 yr. member of the Access to Birth Certificates Committee.**

**In 1966, I surrendered a son for adoption. At that time, I hoped that he would be cared for and loved in a nurturing adoptive home. I also hoped that he would grow to adulthood sharing the same rights as all other citizens, including access to his original birth certificate.**

**As birthparents, we believe it is the responsibility of both birth and adoptive parents to ensure that as much background information as possible be provided to the adopted person. This process begins with access to the very first truthful document of natal identity, the original birth certificate provided for in Senate Bill #63.**

**I appeal to you today not only for myself but for hundreds of birthparents who believe that the sons and daughters they surrendered are entitled to fairness and access to the document of their birth and the integrity of their personhood.**

**I wish to thank you again for your past wisdom and support in passing this Bill out of Committee, enabling it to ultimately reach the Governor's desk. With gratitude and a pledge to help in any way possible, I trust it will again receive a favorable recommendation.**

**Elizabeth Campbell  
36 Dawson Drive  
Sudbury, Massachusetts  
978-443-3770**

**Testimony – Access to Birth Certificates SB #63  
March 21, 2007**

**My name is Susan Hicks**, Co-Founder of the Access to Birth Certificates Committee. I was born and raised in the Commonwealth of Massachusetts and I am an adopted person! I have helped spear head the campaign for this legislation, since its inception, ten years ago. Before that, there have been many well respected individuals and professionals connected to adoption, that have tirelessly championed and challenged the system before me.

I come before you today, first; to Thank You for your past support regarding this legislation, but I also come here today, for what I and so many others hope will be the last time, to ask for your continued support, for Access to Birth Certificates in the Commonwealth of Massachusetts, known this session as, ~~Senate Bill~~ **#63**.

It is the belief of adopted people across the Commonwealth, including myself, that it should be his or her right to access their original birth certificate, in the same manner, that non-adopted citizens are able to do so.

As an adopted person, the one thing my family could never provide to me was the basic fundamental information that validates who I am. That is also in essence, what thousands of adopted people and their adoptive parents live from day to day. The amended birth certificate, issued by the Commonwealth, is a falsified document that is supposed to supplement the basic need to know, but the documents true purpose, is that it's the first formal certificate of membership into the human race.

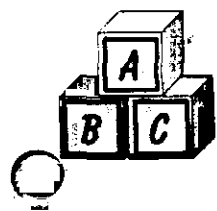
The Commonwealth of Massachusetts had the first laws in the country relative to adoption and has always been a leader in child welfare. I stand before you today to remind you that time is passing. Many adult adoptees born in this Commonwealth prior to 1974, some, who may even be related to you, are aging. Sadly, many die every day never having access, never feeling accepted. For the adopted person born after July of 1974, many will begin to celebrate their thirty-third birthday later this year. These citizens are old enough to start families of their own. Some will chose to adopt and another year of this never ending cycle begins again.

Members of the Committee, for the past ten years, legislators of the Commonwealth have heard our stories, have read our testimonies, and have heard all the arguments. We've educated all of you the best we can. On behalf of the Adoption Community in Massachusetts, I ask once again, that you please consider a favorable report for this legislation and send it to the Governor's desk for his consideration and signature into law!

Thank You!

**Susan M. Hicks**  
Adoptee and ABC Co-Founder  
15 Old Farm Road  
Randolph, MA 02368  
(781)885-2582  
[www.accesstobirthcertificates.org](http://www.accesstobirthcertificates.org)





# ACCESS TO BIRTH CERTIFICATES

August 31, 2007

SEP 04 2007

## Committee

The Honorable Karen Spilka  
State House  
Room 511C  
Boston, Massachusetts 02133

*Deborah M. Blanchard*  
Braintree

*Libbi Campbell*  
Sudbury

*Susan C. Darke*  
Peabody

*Susan M. Gaspard Hicks*  
Randolph

*Ann Henry*  
Northampton

*Helen C. Killian*  
Boston

*Suzanne J. Mc Gowan*  
Northfield

*Nora O'Farrell*  
Brookline

Dear Senator Spilka:

On behalf of the Access to Birth Certificates Committee (ABC), we wish to take this opportunity to formally thank you for all you have done to make this day possible. Senate Bill #63, the bill that has become known, in the adoption community and across the Commonwealth, as the "Access to Birth Certificates Bill" would not have made it to Governor Patrick's desk without your help and the invaluable assistance of *Erin Bradley* and your *Chief of Staff Jill VandenBosch*.

This is a huge step towards equality for everyone in the Commonwealth that is touched by adoption, most importantly, the Adopted Person. We fully understand that your persistence, patience and willingness to compromise with us, as well as, with your fellow legislators have allowed us to accomplish this goal. We will be forever grateful for your efforts.


**As a wise person once said... "To enjoy success for the joy of success alone is shallow, but to enjoy success because of the efforts of so many is a feeling like no other!"**


The ABC Committee proudly shares this historical milestone of success with you and we close this chapter with a profound and heartfelt... THANK YOU!

The Access to Birth Certificates Committee

  
Deborah M. Blanchard  
Braintree

  
Libbi Campbell  
Sudbury

  
Susan M. Gaspard Hicks  
Randolph

  
Helen C. Killian  
Boston

**SUBMITTED TESTIMONY IN OPPOSITION TO HB 2091:****An Act Further Regulating Access to Birth Certificates****(original birth certificate access to certain adoptees)****MASSACHUSETTS ACCESS RIGHTS TO ALL (MARTA)**

Massachusetts Access Rights to All (MARTA) asks you to vote NO on SB 2091. This bill creates an unfair, discriminatory tiered system in which adopted persons born in Massachusetts on or before July 17, 1974 and on or after January 1, 2008 can receive copies of their unaltered original birth certificates. Adoptees born between those dates will not be allowed to receive their original birth certificates, except by petitioning the court. This makes no sense to us. Does it make sense to you?

MARTA believes that tiered rights systems such as codified by HB 2091 create a class system in which adopted persons are not only segregated and treated differently from everyone else (the non-adopted) but treats some adoptees better than others. Why do adoptees, because of the date of their birth, deserve "special rights"--or "special discrimination?"

MARTA believes that a person born on July 18, 1974 is just as worthy of rights and birth records as someone born on July 17, 1974 or January 1, 2008. What is the rationale for tossing thousands of the state's adult adoptees born over a 34 year period into a black hole, stripped of identity and birth certificate rights, while letting adopted persons born before or after them enjoy the full right of identity? We have heard no rationale except vague talk of "implied promises of confidentiality" during the forbidden years. How can a promise be "implied?" It's either a promise or it isn't. Moreover, this so-called "promise" has been debunked repeatedly by adoptee rights activists, adoption advocates, birthparents, legal scholars, and court decisions. Why is it resurrected and promoted in HB 2091?

MARTA believes that HB 2091 is a mean-spirited, ugly, discriminatory bill with no logic or sense. It is a slap in the face of every person adopted in Massachusetts. Adoption is supposed to be about the "best interests" of the child. But when that child grows up he or she apparently loses "best interest" status. Our "best interest" is suddenly subjugated to a government-created mythological "interest" *du jour*--in the case of HB 2091 an inexplicable segregation of adoptees into those that are worthy and those that are unworthy.

MARTA believes that all people born in Massachusetts should be able to receive a truthful copy of the state record of their own birth regardless of their adoptive status. We believe that the state holds no legitimate interest in keeping this document and the information on it, including the identities of our biological parents, from any of us. HB 2091 denies thousands of Massachusetts adoptees, born at the wrong time, the natural right of identity and the legal right of access to their own birth certificate and personal information.

Please do not support HB 2091. Massachusetts adoptees deserve a genuine birth record bill that makes all adoptees equal to each other and the non-adopted. Vote NO on HB 2091.

***ABOUT MARTA: MARTA was founded in 2005 to promote legislation in Massachusetts, which would restore the right of original birth certificate access to all Massachusetts adoptees without restriction. MARTA does not support tiered access legislation, disclosure or contact vetoes, mandated confidential intermediary systems or mandated mutual consent registries. We believe that all adoptees have the right to access their original and birth certificates upon demand.***

Submitted by:

Monsignor John W. Sweeley, Th.D.

Member: Executive Committee, MARTA

Born: May 13, 1943 at Brightside Maternity Home and Orphanage, Westfield, MA

Adopted: February 24, 1944, Greenfield, MA



**BASTARD NATION: THE ADOPTEE RIGHTS ORGANIZATION**  
P.O. BOX 1469  
EDMOND, OK 73083-1469  
415-479-3641

**SUBMITTED TESTIMONY IN OPPOSITION TO SB 63:  
An Act Further Regulating Access to Birth Certificates  
(original birth certificate access to certain adoptees)**

Bastard Nation: The Adoptee Rights Organization, urges you to vote NO on SB 63.

Instead of treating all Massachusetts adopted adults equally, SB 63 creates two classes: one with privilege, one without, based on date of birth.

According to SB 63:

*(1) Adopted persons 18 years of age or older born in the commonwealth on or before July 17, 1974 or on or after January 1, 2008 or an adoptive parent of an adopted person under 18 years of age and born in the commonwealth on or after January 1, 2008 will be "allowed" unrestricted access to the original birth certificate.*

*(2) Adopted persons born in Massachusetts between those dates will not be "allowed" access their original birth certificates without a court order as under current law.*

SB 63 grossly discriminates against adoptees. Those born on or between July 16, 1974 and December 31, 2007 are not only treated differently from the non-adopted through a general sealing of their original birth records, but differently from those adopted before or after those dates.

The creation of a restricted class of adopted persons in SB 63, revives and legitimizes spurious claims of "implied promises of confidentiality" supposedly made to relinquishing parents in the state during blacked-out dates. These "implied promises" have been debunked repeatedly by legal scholars, court rulings, birthparents, adoptee rights activists—and by legal documents themselves which make no such "promise." In

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30 years of records access legislation, not one document has been presented to support "promises of confidentiality," "privacy" or "anonymity" -- implied or otherwise.

Adoptee access to original birth certificates is a basic human and civil right. The State of Massachusetts should not be in the business of denying any of its citizens access to his or her own birth certificate--and certainly not in creating classes of have and have-not adoptees based on age. What makes some adopted persons more worthy--or "dangerous"-- than others? Why are certain adopted adults under SB 63 granted a "special right" of birth certificate access and the rest denied that "right" and shoved into an anonymous black hole, blacklisted by the state?

SB 63 is an insult to every adopted person in Massachusetts and North America. SB 63, under the guise of "adoptee rights," codifies secrecy and shame for more than a generation of Massachusetts adoptees who will be humiliated and stigmatized-- forced to seek a court order for a document that those born before or after them will get for the asking, just like the non-adopted. This is not acceptable.

This reactionary bill goes against adoptee-positive change in Oregon, Alabama, and New Hampshire, where over the last eight years birth records have been opened to all adopted adults with absolutely no negative consequences. Other states are currently working on inclusive legislation without black holes or other restrictions. It is incredulous that in 2007 Massachusetts wants to turn back the clock and stigmatize adoptees.

SB 63 is regressive, nonsensical, and ugly. If passed, it will be open to challenge from the blacklisted who want what is rightfully and legally theirs: their own birth certificates. SB 63 needs to be killed and replaced by a bill that respects all Massachusetts adopted persons as responsible, functioning, human beings.

Please vote NO on SB 63, come back with an unrestricted access bill, and show the people of Massachusetts that ALL Massachusetts adoptees possess full rights, respect, and citizenship.

Leave no one behind! It's the right thing to do.

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**ABOUT BASTARD NATION: the Adoptee Rights Organization:** *Bastard Nation is the largest adoptee civil rights organization in North America. We are dedicated to the recognition of the full human and civil rights of adult adoptees. Toward that end, we advocate the opening to adoptees, upon request at age of majority, of those government documents which pertain to the adoptee's historical, genetic, and legal identity, including the unaltered original birth certificate and adoption decree. Bastard Nation asserts that it is the right of people everywhere to have their official original birth records unaltered and free from falsification, and that the adoptive status of any person should not prohibit him or her from choosing to exercise that right. We have reclaimed the badge of bastardy placed on us by those who would attempt to shame us; we see nothing shameful in having been born out of wedlock or in being adopted. Bastard Nation does not support mandated mutual consent registries or intermediary systems in place of unconditional open records, or any other system that is less than access on demand to the adult adoptee, without condition and without qualification.*

Attachment 1: Bullet Points SB 63, SB 77, HB 2091

## Abortion and Adoption Data from States who have Enacted Access

Since new laws have allowed adult adoptees access to their birth certificates, 13,104 adoptees have received their original birth certificates from Alabama, Delaware, Oregon, New Hampshire and Tennessee with no harm shown to anyone including birthparents. The data reveals that if access has had any effect on adoptions and abortions, it has been to increase adoptions and decrease abortions.

STATE	CONTENT OF LAW	ACCESS RESULTS	ABORTION/ADOPTION STATS
Alabama	Original birth certificate (OBC) is made available to adoptee, age 18 or older, upon request. Birth parents may file a non-binding Contact Preference Form, requesting direct contact with adopted adult, contact through an intermediary, or no contact at all.	Since the law passed in May 2000, approximately 2,722 adult adoptees have obtained copies of their original birth certificates with 131 Contact Preference Forms filed. (State is not tracking the type of preference.)	Between 2000 and 2003 (the last year for which national data are available) resident abortions declined 13% in Alabama compared to 2% in the nation as a whole.  <i>Alabama Center for Health Statistics, Division of Statistical Analysis, Induced Terminations of Pregnancy for Residents of Alabama 2000-2003;</i> <i>Finer and Henshaw, Estimates of U.S. Abortion Incidence 2001-2003, Guttmacher Institute, August 3, 2006.</i>
Alaska (always open)	Alaska provides access to adoptee, 18 and older, and birth parents of adoptee, 18 and older, if the adoptee gives written permission to release of information.	Alaska never sealed birth certificates for adopted persons.	Alaska, a state that never sealed birth certificates, has the nation's highest adoption rate ( <a href="http://www.census.gov/Press-Release/www/2003/adopt.htm">http://www.census.gov/Press-Release/www/2003/adopt.htm</a> ) and one of the lowest abortion rates. <a href="http://www.guttmacher.org/statecenter/">http://www.guttmacher.org/statecenter/</a>
Delaware	Birthparents have the option of filing a veto against disclosure. If a disclosure veto is filed, the OBC is not released to the adoptee.	From January 1999 to October 2006, 695 adult adoptees have received OBCs with 16 adoptees getting incomplete OBCs under the disclosure veto provisions of the law.	
Kansas (always open)	Grants access to the adoption file and to the OBC of adopted adults, 18 and older, birth parents and adoptive parents of minor child. Birthparents may contact the adopted adult if he/she agrees to contact.	Kansas never sealed birth certificates for adopted persons.	Kansas, a state that never closed records, has the nation's fifth highest adoption rate. ( <a href="http://www.census.gov/Press-Release/www/2003/adopt.htm">http://www.census.gov/Press-Release/www/2003/adopt.htm</a> ). Kansas has lower resident abortion rates than the United States as a whole. <a href="http://www.guttmacher.org/statecenter/">http://www.guttmacher.org/statecenter/</a>
New Hampshire	Original birth certificate is made available to adoptee, age 18 or older, upon request. Birth parents may file nonbinding Contact Preference Form.	Since January, 2005, nearly 1000 adoptees have received their OBCs and 12 birthparents have stated their preference for no contact. <a href="http://www.sos.nh.gov/vitalrecords">www.sos.nh.gov/vitalrecords</a>	Current adoption and abortion data are not yet available for the years following passage of New Hampshire's access bill.
Oregon	Original birth certificate is made available to adoptee, age 21 or older, upon request. Birth parents may file a non-binding Contact Preference Form.	In the six years since adoptees obtained access, 9090 adoptees have requested and 8,792 adoptees have received OBCs with 83 birthparents not wishing contact. <a href="http://www.oregon.gov/DHS/ph/chs/58update.shtml">http://www.oregon.gov/DHS/ph/chs/58update.shtml</a>	Between 2000 and 2003 (the last year for which national data are available) resident abortions declined 10% in Oregon compared to 2% in the nation as a whole. <i>Oregon Vital Statistics Annual Reports, Vol. 1 Table 3-6 2000-2003;</i> <i>Finer and Henshaw, Estimates of U.S. Abortion Incidence 2001-2003, Guttmacher Institute, August 3, 2006.</i> After adoptee access, a six-year year decline in adoptions stopped and adoption numbers leveled off, according to statistics from the Oregon State Office for Children, Adult and Family Services.
Tennessee	Adoptees, age 21 or older, may access OBC and adoption records unless records indicate that adoptee was product of rape or incest and birth parent victim does not consent to disclosure. Birth parent may veto contact.	Tennessee stats have not been successfully tracked by the state.	Tennessee has lower resident abortion rates than the United States as a whole. <a href="http://www.guttmacher.org/statecenter/">http://www.guttmacher.org/statecenter/</a>



## DRAFT

The Home would offer all parties the following suggestions (as well as invite others to submit their own) for consideration as a potential compromise version of S.959:

1. Raise to 21, the age at which an adopted person can access an original birth certificate.
2. Make the change effective going forward.
3. In place of retroactivity, require outreach to the birth parent(s) accordingly:
  - The adoption agency that facilitated the placement shall be contacted first to determine if an authorization to release identity (and in what manner) has been left with the agency.
  - If a release is on file in the adoption record, or if the adoption record was amended at anytime, or if other information is in the record to reflect the birth parent(s) wish to be contacted or not by the adopted person, it shall be honored and made known to the adopted person seeking access to his or her original birth certificate.
  - If a release is not on file in the adoption record, the adopted person may request that the agency seek to contact the birth parent(s) to inform the birth parent(s) of the adopted person's request for his or her original birth certificate under seal according to Section 13 of Chapter 46 of the MGL as amended by Chapter 546 of the Acts of 1974.
  - If the agency is unable or unwilling to provide this service the adopted person shall retain the right to petition the court to provide an order allowing another agency or guardian ad litem to provide this service.
  - If a birth parent(s) opposes release of the adopted person's original birth certificate, the petitioning party shall retain the right to petition the court for access.
  - If a reasonable effort to contact the birth parent(s) fails to locate the birth parent(s) within six months, the petitioning party shall retain the right to petition the court for access.
  - Upon review by the court, an adopted person may be granted access to his or her original birth certificate.
  - In the case of medical necessity the above requests should be given priority and as in all cases an adopted person may petition the court for access and shall have a decision rendered within ninety days.

