

Laws Concerning Access to Adoption Records (excerpt from Adoption.net; Child Welfare information Gateway)

ACCESS TO ADOPTION RECORDS

In most States, adoption records are sealed and withheld from public inspection after an adoption is finalized. But, almost all States have instituted procedures that allow access to adoption information by the adopted person and their adoptive family. They may obtain both **non-identifying and identifying information** from an adoption record while still protecting the interests of all parties involved in the adoption.

WHAT IS NON-IDENTIFYING INFORMATION?

This information does not identify the names of the birth parents or other parties. Rather it explains the circumstances of the birth and adoption. It is limited to descriptive details about the adopted person and his/her birth relatives. This information may include the following:

Date/place of adopted persons birth; age; race, ethnicity, religion & medical history of the birth parents; educational level and occupations of the birth parents; reason for placing the child for adoption; existence of other children born to each parent.

All states have provisions in statute that allow access to non identifying information. Usually the adopted person must be at least 18 years old before he/she may access this information.

Policies on what information is maintained and disclosed vary from state to state. A few states require persons seeking information to register with the State Adoption Registry. Some states allow emergency procedures if medical information is necessary. **Check Adoption.net for specific information.**

WHAT IS IDENTIFYING INFORMATION?

Identifying information gives information leading to the positive identification of birth parents, the adopted person or other birth relatives through the disclosure of the adoption records or other information. Identifying information may include current or past names of the person, addresses, employment or other records. Nearly all states permit the release of identifying information **when the person whose information is sought has consented to the release.** *If consent is not on file* with the appropriate entity, the information may not be released without a court order documenting good cause for the release .

Access to information is not always restricted to parents & adoptees. 37 states allow siblings to also seek identifying information with consent.

WHAT ARE MUTUAL CONSENT REGISTRIES?

A mutual consent registry is one method many states use to arrange the consents that are required for release of identifying information. A mutual consent registry is a means for individuals directly involved in adoptions to indicate their willingness or unwillingness to have their identifying information disclosed. 31 States have established some form of a mutual consent registry. Procedures for mutual consent registries vary significantly from state to state. Most require consent of at least one birth parents & an adopted person over 18. Most states require written permission to release personal information.

OTHER METHODS

States without established registries use alternative methods for disclosing identifying information. They may authorize a public or private agency or intermediary to assist in locating a birth family.

WHAT IS AN ORIGINAL vs. AMENDED BIRTH CERTIFICATE?

When an adoption is finalized, a new birth certificate for the child is customarily issued to the adoptive parents. The original birth certificate is then sealed & kept confidential by the State registrar of vital records. Some states require a court order to access these records but in many states, laws are changing to allow easier access to an adult adoptee. Only the original birth certificate contains the original name at birth of the adoptee.

WHAT INFORMATION CAN BE LOCATED

To find contact information for a State Agency or Department that assists in accessing Adoption records, go to Child Welfare Information Gateway's National Foster Care and Adoption Directory and search under *Accessing Adoption Records*:

<http://www.childwelfare.gov/adoption/search/>

For more information on searching for birth relatives, including a link to the international Soundex Reunion, a free mutual consent registry for people seeing birth relatives: <http://www.isrr.net/>

OTHER LINKS FOR ADOPTION SEARCHES/INFORMATION:

[WWW.adoption.net](http://www.adoption.net)

Excellent comprehensive site; offers free newsletter sign up; covers laws concerning access to adoption records.

www.ehow.com

Comprehensive site goes beyond adoption, so search for subject you're looking for: ie. "finding adoption records in Florida or other specific information you're seeking.

MOST STATES HAVE THEIR OWN SITES:

[WWW.childwelfare.gov/state-resources](http://www.childwelfare.gov/state-resources)

This site lists states, their resources & contact information.

FINDING STATES WITH OPEN ADOPTION RECORDS

<http://www.omnitrace.com/states-open-adoption-records/>

This site lists all U.S. States with Open Adoption Records with years.

CANADA-ONTARIO

<http://www.ontario.ca/page/search-adoption-record>

An excellent site for Ontario information. All provinces release non identifying information, 6 Provinces have open adoption records.

How to Search for an Adoptee/Birthparent

1. Get your Non-Identifying Information:

Many of the social service agencies and sometimes the main social service office of the state (or Ministry of Social and Health Services in Canada) will release non-identifying information to the adoptee, the adoptive parents & the birthparents. This information may or may be extensive depending upon what was recorded at the time of the birth and adoption. The following information is considered appropriate and non-identifying (Genetic & Genealogical):

Date/place of birth; age, some info about birth parents; race, ethnicity, religion, medical history; health status; ethnic origins, education; occupations; religion, reason for placing the child for adoption, existence of other children born to each birth parent.

2. Register in State and National Reunion Registries

Reunion Registries, also known as Mutual Consent Registries, are usually maintained by the State, Province or private companies. The way a registry works is that each member of the adoption registers, hoping to be matched with someone who be searching for them.

3. Send for hospital records

Most states either have no statute or allow you to inspect and copy your hospital records.

4. Gather All Available Documents

Amended birth certificate; adoption documents; Final decree of adoption/petition for adoption (county clerk).

5. Contact State Department of Social Services to Request a search for Birth Parents.

If still alive, will require the permission of the birth parent, but if no longer alive, will generally release that information.