

2017 HOUSE JUDICIARY

HB 1319

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1319
1/25/2017

☐ Subcommittee
☐ Conference Committee
27383

Committee Clerk Signature

J. Mineth

Explanation or reason for introduction of bill/resolution:

Relating to disclosure of original birth records to adopted individuals.

Minutes:

1-5

Chairman K. Koppelman: Opened the hearing on HB 1319.

Rep. Magrum: Introduced HB 1319. Testimony about his childhood friend Mary who asked him to introduce this bill and the rights for adopted citizens.

Rep. Satrom: Can you think of any unintended consequences of this bill?

Rep. Magrum: I don't know why adopted citizens don't have that right.

Rep. Satrom: What about the ones that don't want them to be able to do this?

Rep. Magrum: I have no idea about that. Everyone should have the same rights rather than go through the court process. They might need to do this for health reasons. I feel this would help folks have some closure in their lives.

Rep. Johnston: I see the privacy issues. You did not go through the courts. What is the costs of going through the court and the time frame?

Rep. Vetter: I noticed on 7 it says it is all about adoption rights. Aren't you taking away the rights of the parent to object?

Rep. Magrum: It still goes back to the rights of the adopted individual. Which line are you talking about?

Rep. Vetter: This is line 13 & 14 and line 10 we also have what it said before disclosure of the parties identifying information may not occur unless the party consents to the disclosure.

Rep. Klemin: Basically we are putting the rights of the parent who didn't want any disclosure made and who relied on the law that says there won't be any discourser made and getting

that disclosure anyway so would it be appropriate to say it only applies to adoptions that occurred after the effective as said.

Rep. Magrum: I think we would want to make this retroactive so that the people that are in their 40 and 50s are protected. We would have to determine whose rights we are protecting.

Mary Webber: (attachment 1) Went over testimony and handouts. (12:00-28:00)

Rep. Klemin: In your case since you had to petition the court how did you get them to open their records.

Mary Webber: I presented them with several reasons one of them health was the biggest one. They never told me which reasons but just granted the court order.

Rep. Satrom: Could you get some of that data to us?

Mary Webber: I got a lot of my information from the American Adoption Congress their website has a lot of educational materials on there.

Rep. Magrum: Can you give the testimony from the person that couldn't get here to give her testimony?

Mary Webber: She was from Fargo, adopted she has tried to find information and has been denied. She does have genital diseases and has still been denied.

Vincent Dully: Adoptive Parent and a lawyer who has done adoptions and without using up too much time I adopted an African American married his mother and undertook to contact him to his most honorable member in the family his grandmother. I am delighted to say after all of the disorders another person appeared that is a half-sister in his life.

Rep Magrum: Testimony is support in opposition?

Linda Thorson: State Director for Concerned Women for America (CWA) of ND (attachment 2- 3) The question was asked how many adoptions were done in North Dakota per year. In 2015 there were 365 Read testimony. There are 30 abortions going on in Fargo each week.

Rep. Magrum: Is it about rights for adoptee?

Linda Thorson: I understand your concern for an adoptee. They can change their mind at any time.

Susan Grundysen: Program Director for collaborative adoption program for Lutheran Social Services of North Dakota. (attachment 4)

Rep. Magrum: Do you have some young ladies that do an adoption and then change their mind and would like to access the records would they have to go to the courts?

Susan Grundysen: They can come back to us and we can do a change but there is a means to do that.

Rep. Nelson: If we do an open adoption is there still a second birth certificate issued?

Susan Grundysen: Yes, I believe that is the process of how things are done.

Rep. Klemin: In current law disclosure of the parties identifying information may not occur unless the party consents to the disclosure. What happens if the party is diseased?

Susan Grundysen: Currently we can go to other family members of the diseased.

Rep. Magrum: Do you think that second birth certificate would be fraudulent?

Susan Grundysen: No. It is a legal process in order for an adoption to happen, parental rights are terminated in the court of law and those rights are transferred to the adoptive parents.

Rep. Jones: Do you know how many closed adoptions that are being done today. How many closed adoptions are getting opened up cause turmoil for the people that were involved those that seek information?

Susan Grundysen: I don't have any numbers. We may get approximately 30-40 requests each year for search services and are some of those difficult and for challenging for people, absolutely.

Christopher Dobson: Executive Director of ND Catholic Conference: (attachment 5) Went over the testimony. We respectfully request a do not pass recommendation.

Rep. Magrum: Its adult adoptee in Oregon and Alabama obtain records abortions have declined. Are you saying that is not true?

Christopher Dobson: That is the claim by the Forced Identity Advocates.

Chairman K. Koppelman: Could you tell us two things, between an open and closed adoption and in your opinion in North Dakota and would there be a way to disclose medical information with respect to an adoptee trying to get that information?

Ms. Dobson: We do work to get the medical information. Open adoption there is a full exchange of information. Closed adoptions there is no information.

Chairman K. Koppelman: Can you explain open adoption verses closed adoption?

Susan Grundysen: Open adoption does a full exchange of identifying information, closed adoption has no identifying information exchange. Most adoptions land somewhere in the middle.

Chairman K. Koppelman: Is there any opposition or neutral testimony? We will close the hearing on HB 1319.

2017 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1319
1/31/2017
27689

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to disclosure of original birth records to adopted individuals.

Minutes:

Chairman K. Koppelman: Opened the hearing on HB 1319.

Rep. Vetter: There were only 4 closed adoptions that stayed closed. Talked to my aunt and she has two adoptions and from what she told me basically both of her adoptions started out closed and they changed to open and from what I gathered this is what happens. The stats are: 2016 for the Village and Lutheran Social Services 12% said no; 2015 35% said no. This is when you first do the adoption. And 2014 24% said no. with Catholic Charities you had 8 that said no out of 29. What I am seeing is basically you had somebody that goes to have an adoption and they say I want a closed adoption and then a few years from then their situation has changed. They might be married at the time and they don't want this to be disclosed. This bill essentially takes that option away. There are quite a few people who are saying no on the onset and the witness we had she also her dad turned out to be a Politian so that makes total sense on why he wanted no. I would ask the committee if in this state if that parent has the right to an abortion; when would they not have the right to confidentiality also.

Rep. Paur: Made a Do Not Pass Motion.

Rep. Hanson: Seconded the motion.

Chairman K. Koppelman: Discussion:

Rep. Klemin: I support the motion. This takes away the privacy rights of the birth mother and could drive them to have an abortion instead.

Rep. Nelson: If we are going to do adoptions from here on out and change the law for those than people have a choice to go to a different state and doing adoption and now we are saying now it is not closed.

Rep. Magrum: Her adoption was a closed adoption and she was able to get it unclosed. She had to go through the court system and it cost a lot of money and time. Discussed the adoption and problem with adoptions.

Chairman K. Koppelman: We have a do not pass motion on HB 1319.

Roll Call Vote: Yes 12 No 1 Absent 2 Carrier: Rep. Vetter

Closed.

Date: 1-31-17
Roll Call Vote 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1095/319

House Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar
Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep. Paur Seconded By Rep. Hansen

Representatives	Yes	No	Representatives	Yes	No
Chairman K. Koppelman	✓		Rep. Hanson	✓	
Vice Chairman Karls	✓		Rep. Nelson	✓	
Rep. Blum	✓				
Rep. Johnston	✓				
Rep. Jones	✓				
Rep. Klemin	✓				
Rep. Magrum		✓			
Rep. Maragos	✓				
Rep. Paur	✓				
Rep. Roers-Jones	✓				
Rep. Satrom	✓				
Rep. Simons	✓				
Rep. Vetter	✓				

Total (Yes) 12 No 1

Absent 2

Floor Assignment : Rep. Vetter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1319: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1319 was placed on the Eleventh order on the calendar.

2017 TESTIMONY

HB 1319

#1
1319
1-25-17

Mary Webster

Address to House Judiciary Committee on HB1319

Members of the House Judiciary Committee,

What I have in my hand here is my birth certificate. Most likely any of you in this room can walk down the hall in this very building and get a copy of yours for about \$10 after a 10 minute wait. However, for me to be able to hold this important legal document in my hand, I had to fight for about 30 years after I became an adult and spend about \$3000 – not to mention the emotional cost of being repeatedly denied. And I am one of the lucky ones. Many people in my circumstances never get theirs. My circumstances are that I am adopted, and my birth certificate was sealed and locked away shortly after I was born. Adoptees are the only segment of US citizens that do not have access to their original, legal, unadulterated birth certificates.

You may not see this as a big deal, since you probably only know a couple of people who are adopted, but this impacts a surprisingly large amount of the population. While I don't have specific numbers from ND, there are approximately 6 million adoptees in the US. If we consider that each of them has 2 adoptive parents and two biological parents, we are at 30 million. Add in extended family and 100 million is likely not an unreasonable number to calculate the people affected by adoption and the secrecy and sealed records that characterized it for so much of history.

Not only am I an adoptee who has experienced the cost of not knowing and the lifelong search for answers, I am a doctorate student researching aspects of adoption and have interviewed many people about this topic. I have read about and spoken to social workers, biological mothers, adoptees, and foster parents, so I am familiar with all sides of the issue. I am also absolutely and unconditionally pro-life.

About half of the states in the US have already enacted laws such as the one proposed for you today – some more restrictive and some less. As you can see on the map on the handout in front of you, North Dakota is not one of those states. Adults born and adopted in this state are still denied the very basic right to know who they are. This continues to exact a huge financial, emotional, and perhaps most importantly, medical toll on too many people.

As for the legal and financial ramifications of sealed OBC's, as the law currently stands, an adult adoptee can request the names of his or her biological parents from the adoption agency at a cost of approximately \$400 with no guarantee of receiving anything. Before the mid-70's, biological fathers were not listed on the birth certificate or adoption papers unless paternity was legally established, which was very rare. If the biological mother does not give her permission, which is rare, but does happen, the adoptee has just spent \$400 for nothing. Their next option is to hire a lawyer and petition the courts. I did this and the lawyer's fee was \$1000. In my case it was successful, but it is a total crapshoot. Many judges have reservations about ordering records opened that are legally sealed, or just aren't sympathetic to the cause. It is totally left up to their discretion, so the adoptees may very well spend another \$1000 for nothing. There are also companies out there who claim to be able to search for and find anyone – usually for a fee of anywhere from \$1000 to \$4000. Their success rates vary. In my, and many other cases, it was a complete waste of money. Many adoptees are using various DNA testing

services – also at a cost of \$100 on up. I did this as well and it's how I found my biological father, but only because I was lucky enough to find a second cousin who uses Ancestry.com to do extensive genealogy. However DNA searches only work if a close relative is already in their database. If none of these efforts work, or the adoptee doesn't have the money to use them, they are increasingly turning to social media, putting themselves and their private information out there, in hopes that someone will recognize the information. I have compiled a few of these examples for you on your handout. How safe you feel if your wife or daughter had to resort to this? If all this sounds exhausting, it is. Worse yet, it is often for naught.

At the time many of the closed adoptions took place, the conventional wisdom was that if the mother surrendered her child right away that there was no bond to speak of and she could just sign the papers and walk away, start her life over as if it never happened. The child would bond with the adoptive parents just as if they were thy child's natural parents, and everyone would live happily ever after. Decades of research have proved these assumptions wrong. Biological mothers were left traumatized, having lost a child with no opportunity to grieve. Their symptoms have been likened by many researchers to those of PTSD – depression, suicide, attachment and commitment issues, drug abuse, alcoholism, and secondary infertility. This trauma and shame is what leads some mothers to say no to revealing their information to their children. However, once the initial emotions pass, and they realize that the shame and stigma is in the past, they can truly heal, and there are few regrets.

Adoptees also have many issues, most of them relating to identity formation. They never quite bond with their adoptive parents, no matter how well cared for and how much they are loved. The most accurate analogy in the book *The Primal Wound* is that of a plate that is dropped and broken. No matter how well you glue it back together, it won't be as good as new. We feel like the citizens on the island of misfit toys in *Rudolf the Red Nosed Reindeer* – like we are just a little different – we don't quite fit in. We are always wondering and searching. As adult citizens, we have a right to this information – to our own information - to know who we are. If we have siblings we, as adults, have the right to know about each other and have a relationship on whatever terms we consent to. As the laws now stand, adoptees are perpetually treated as children from whom secrets are kept for our own good. To put it simply, as a 50 year old adult, my birth parents, even though they signed away any rights to me, still have the right to make decisions for me?? How irrational does that sound? In my case, however, once my records were revealed to me, I found a brother and sister, many aunts uncles and cousins, and my 90 year old grandparents who had spent decades wondering what happened to me and all have welcomed me back into their family. There is no way to describe the incredible relief and happiness I have experienced – looking around and realizing I look like these people, I have no sense of direction like all my aunts, I love to cook and shop like my mother – things my adoptive mother certainly did not enjoy. Is it all hearts and roses and fairy tale endings? No. On my father's side I was not so lucky. He met me, shared lots of family history and health information with me, and then decided to deny that he is my father. However, that is his prerogative. We both know better, and I have still been able to develop relationships with some cousins on that side as well. It's still better than not knowing.

Perhaps the most important reason to open our original birth certificates, though, is so we can fill in the missing pieces of our health history. For 49 years, every physical exam I had included the same frustration at knowing nothing about mine. The older I got, the more this worried me. I have included a page in your handout with a partial list of the diseases doctors now know to be hereditary. This knowledge did not exist 50 years ago. Health conditions that have since surfaced in my biological family had also not done so 50 years ago – which is the last time the health history was updated in my adoption file. My father had a stroke which almost killed him when he was only 55 – that's not much older than I am now. It left him disabled and ended his brilliant career in politics and law. I learned that aneurisms run in his family and that many adults in the family have been screened for them as a result. I had two uncles on my mother's side with seizure disorders. I was so relieved to have this information to give the doctors when my then 10 month old granddaughter had multiple seizures, had to be taken from Jamestown to Bismarck by ambulance, and spent 10 days in ICU. I have had an uncle and two first cousins die in childhood, in his 20's and in her 30's respectively of a fast growing cancer. My grandmother has Alzheimer's and doesn't remember 15 minutes later what she read or talked about. These are all conditions that I can now share with my doctor and know to be vigilant for in me and my children. This is potentially a matter of life and death.

After all the information I have just presented, it seems so cut and dried, so easy. What reason would anyone have to object to this bill? As this bill hopefully moves forward however, and gains publicity, there will be objections. Let me get ahead of them and assure you that they are either myths, refuted by the research, or of consequence to such a small number of people as to render them too inconsequential to justify restricting or denying this important civil right to adult adoptees.

One of the first concerns is for the privacy of the birth mother. First – they were never promised anonymity. Because of the court order opening my records, I have access to all the paperwork relating to my adoption, and I have read and reread it. Nowhere does it promise that she would remain anonymous. Other research of relinquishment documents from many states has failed to find confidentiality clauses in any of them. In cases where a birth mother has challenged the law, state and federal courts have found that there is no legal basis for claiming privacy from one's own birth information. In one such landmark decision, the U.S. Court of Appeals for the 6th Circuit found that information concerning a birth is not protected from disclosure by the Federal Constitution, and that the right of privacy "does not extend so far as to encompass a general right to non-disclosure of private information." (Doe v Sundquist, 1997 FED App.0051P). The Oregon court of appeals found likewise in a similar case. Also, the "secrecy" aspect of sealed birth certificates was never intended to protect the confidentiality of the birth parents, but rather to satisfy adoptive parents that their newly adopted child was theirs in every way. You can see this by reading the very bill in front of you – page 2, lines 3-9 and page 3, lines 6-8. The original birth record is not sealed away until the adoption decree is finalized – NOT when the birth parents relinquish their rights. This may take over a year. So if for some reason the adoption were to be annulled, the OBC would be reinstated, even though the child would not go back to the birth parents, since the relinquishment of parental rights would remain in place. Also, if a child is not legally adopted for any reason and remains in foster care, their OBC is not amended or sealed away. For the most part, the secrecy was a myth

anyway. Most people who remember the 60's and 70's remember a few girls who "went away" in high school. It was no secret. Everyone knew why, even if it was only whispered about. In your handout, you have a packet of actual numbers for mothers who asked for no contact or attempted to redact their name from the OBC. There is a great deal of variation in disclosure laws from state to state, but at the end of the day, only one in 2000, or 1/20 of 1% of mothers request no contact. That's hardly enough to go through the administrative hassle and cost of imposing restrictions. Passing a clean bill would literally cost nothing. Any adoptee, at the age of 18 would walk down that hallway, pay their \$10 and get a copy of their OBC, just like I did after I got the court order.

Finally, there is a myth that if adoptees are guaranteed access to their OBC's, that adoptions will decrease and abortions will increase. There is no basis for this myth. In states where open records laws have been passed there has actually been a decrease in abortions over and above any decrease nationwide. For example, since adult adoptees in Oregon and Alabama obtained access to their original birth certificates in 2000, abortions have declined much faster in those states than in the nation as a whole. Between then and 2003, resident abortions declined 10% in Oregon and 13% in Alabama, but only 2% in the nation as a whole. Oregon Right to Life actually chose NOT to oppose Measure 58, Oregon's open records ballot initiative, because it was satisfied that it would not cause the abortion rate to go up. Furthermore, almost all adoptions in this day and age are open, with most women and couples having a say in choosing the adoptive parents for their child and having contact after the adoption takes place, and would likely not relinquish their child unless this were possible.

To conclude, I hope you have learned more about this very important issue and have realized that the financial, emotional, and physical difficulties imposed on adult adoptees because of archaic ideas needs to end, and that the benefits of passing this bill far outweigh any possible negative consequences. I do have more numbers and sources available if anyone wants them and can hopefully answer any questions or concerns you still have. Thank you so much for your time and attention.



To Whom it May Concern:

I'm writing this letter in reference to the rights of the adoptee:

Being one myself, I can tell you the struggle is unimaginable to anyone who is not adopted. We are not given the rights under the constitution afforded to every other American citizen. This is the right to our Original Birth Certificate, unaltered.

I have spent literally years, more than 30, searching for my birth right, the right to know my name and that of my birth mother. The cost is unbelievable, I have paid fees and court costs, search agents and organizations to the sum of thousands of dollars to find information for me. None of which I have received. I have asked the court several times to grant this to me, at no time was I given a voice in court, but I was always denied. At my age, I think I am old enough to be entrusted with my own information. The time I have spent searching cannot be measured, or the emotional well-being of myself and my family. Adoptees have abandonment issues, trust issues, dissociation. The feeling of not belonging and always searching for something, though never being able to find it or quite put their finger on what they are searching for, a feeling of being unsettled. Non-adoptees take their own life story for granted, but the adoptee is acutely aware that theirs is missing.

My grandson was born with a congenital heart defect, we are still trying to find out if this is a hereditary trait. Since the access to my medical information is considered sealed, we are unable to figure in, one fourth of the equation. He was also born with a non-working thyroid, again, hereditary? We do not know. Could this have been something which could have been watched for and potentially fixed in utero, possibly, had we known to look for it. This is just part of the issue, as far as medical information. Testing for BRCA1 and BRCA2 gene mutations is a test for breast cancer and ovarian cancer. This genetic test can be performed as a preemptive test to learn if there is an inherited gene mutation causing breast or ovarian cancer. Which would, in fact, raise your risk of having this type of cancer. And counseling as to what you should and should not do about it would then be initiated. Insurance will not pay for this testing if there is no medical documentation of breast cancer or ovarian cancer in the family. The cost of the testing is \$475-\$4000 (I have 3 daughters). There are still many many more health related questions out there. I am only now finding out some of the health possibilities as I age. The number of "late on-set diseases" which are hereditary is traumatic to anyone, but to the adoptee is can be earth shattering, since we have no idea what to look for or what to expect.

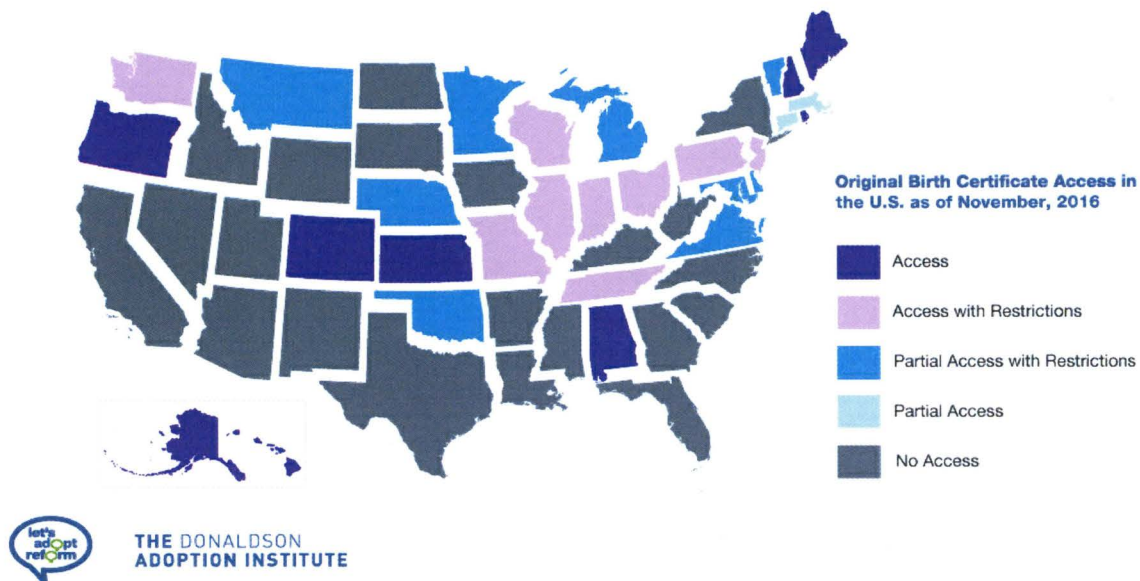
I have the paperwork my birth mother signed, sans her signature. No place in this is there a statement saying I do not have the right to the information about her. This was never in the signed agreement.

The law to seal adoption records started in 1917, nearly 100 years ago. Long before we knew the effects this would have on the adoptees and when having a baby out of wedlock was still looked down on. Times have changed and so should the laws, to reflect the people we have become. We have been 2nd class citizens long enough. I believe in granting the Original Birth Certificate to adult adoptees, we can began to heal.

Jan Carlson

5

When a child is adopted, his/her original birth certificate becomes sealed and an amended birth certificate is issued, which lists the adoptive parents as birth parents. This practice originated within a historical framework of adoption that promoted secrecy, stigma and shame in adoption as well as the total separation of the extended family of adoption. Although research has since debunked the notion of secrecy in adoption and best practices support openness and transparency, an adopted person's original birth certificate continues to be sealed and the majority of states continue to withhold this information from adopted people even when they become adults. This leaves adopted people without access to vital information surrounding their biological origins and information that non-adopted people are able to obtain as a matter of right.



DEFINITIONS

- **No Access:** There is currently no specific mechanism for adopted people to apply for and receive a copy of their original birth certificate outside of the possibility of obtaining a court order.
- **Partial Access with Restrictions:** Adopted people born and adopted during a certain time frame may apply for a copy of their original birth certificate. However, information may be redacted or release may be denied.
- **Partial Access:** Adopted people born and adopted during a certain time frame may apply for and receive a copy of their original birth certificate.
- **Access with Restrictions:** Adopted people may apply for a copy of their original birth certificate. However, certain restrictions may apply, such as identifying information being redacted or a birth parent being able to deny release.
- **Access:** Adopted people may apply for and receive a copy of their original birth certificate just like non-adopted people.

6



Searching for Birth Family

Born December 22, 1972 at Ira Davenport Memorial Hospital in Bath, NY.
I have 2 older siblings. One died prior to my birth. The other was 2& 1/2. My birth mother was 21 at the time of my birth. My adoption was handled by Stueben County Social Services. Find Me!!
 alysrae72@gmail.com or PM me on Facebook

BABY GIRL
Born 12/27/1983 in NC
Adopted through CHS Greensboro.

Searching for birth parents/family.
 Birth Mother: 20, 5'3", strawberry blonde hair, blue eyes, fair skin. Worked in domestic, janitorial services. Enjoyed riding horses, camping, & refinishing furniture. Had 1 brother.
 Birth Father: 28, 5'6", black hair, brown eyes, medium skin. Worked for large manufacturing company. Served in the military for 4 years, and had a medical discharge due to injury. He liked working on cars, hunting, and fishing. Had a sister.

If you have any information, Please email:
 GirlNC1283@hotmail.com

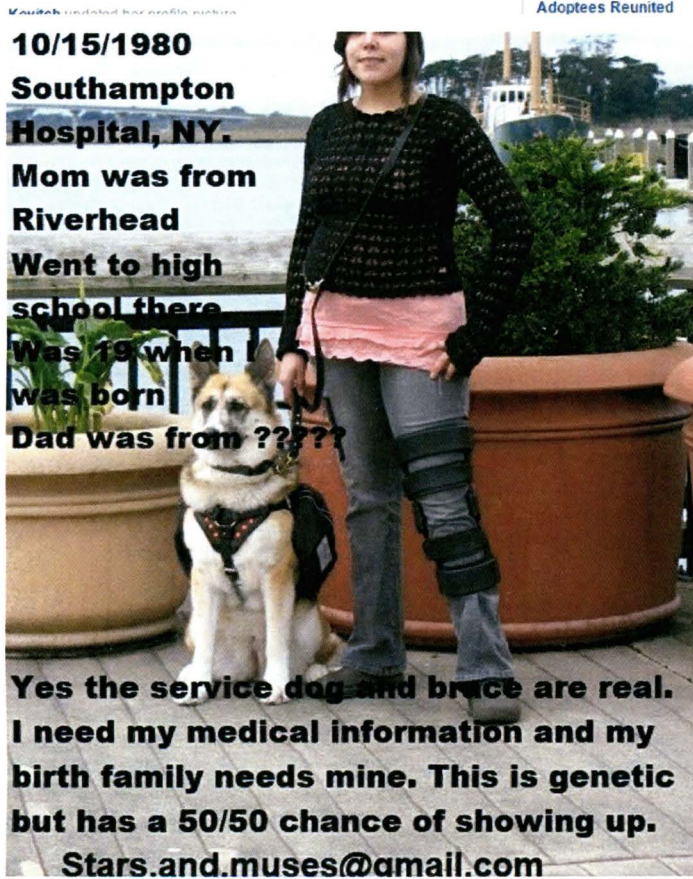


HELP ME FIND MY BIRTH FAMILY!!!

Born April 28th, 1985 at St. Joseph Mercy Hospital Mason City, Iowa

My mother was approximately 16 years old. She named me Vanessa.

CONTACT ME:
 adoptgirl104281985@yahoo.com



10/15/1980
Southampton Hospital, NY.
Mom was from Riverhead
Went to high school there
Was 19 when I was born
Dad was from ?????

Yes the service dog and brace are real. I need my medical information and my birth family needs mine. This is genetic but has a 50/50 chance of showing up.
 Stars.and.muses@gmail.com

This is what adoptees have been forced to do in an attempt to locate their birth families.

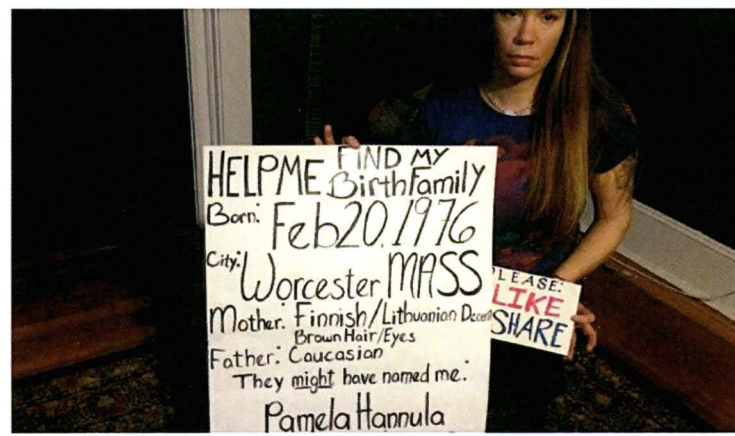


Help me find my birth parents!

Born: November 17th 1991
 At Utah Valley Regional Medical Center, Provo, UT
 They named me Whitney

Mother: Born: June 1975
 Father: May 1975
 They were both sixteen.

Please LIKE + SHARE



HELP ME FIND MY BIRTH FAMILY

Born: Feb 20, 1976
 City: Worcester MASS
 Mother: Finnish/Lithuanian Descent
 Brown Hair/Eyes
 Father: Caucasian
 They might have named me: Pamela Hannula

PLEASE LIKE + SHARE



In search of biological mother, Debbie: She was 19 at the time of birth, and was attending beauty school. DOB: May 22nd 1984, Good Samaritan Hospital, in West Islip NY. Adopted through NY Dept. Social Services. email: pharenmarieaddaline@gmail.com



The importance of knowing one's health history:

Health and Heredity

Over 4,000 diseases are caused by single defective genes. Missing and sketchy health histories put adopted persons at risk, particularly as they age and need to know the risk factors for common killers such as cancer and heart diseases.

Adrenoleukodystrophy
Albinism (ocular form)
Alzheimer's Disease
Charcot-Marie-Tooth Disease
Congenital Adrenal Hyperplasia
Familial Amyloid Neuropathy
Familial Polyposis of the Colon
Growth Hormone Deficiency
Hemophilia A
Incontinentia Pigmenti
Manic Depression (bipolar type)
Muscular Dystrophy (Duchenne type)
Neurofibromatosis
Osteogenesis Imperfecta
Polycystic Kidney Disease (adult type)
Retinoblastoma
Spinal Muscular Atrophy
Thalassemias
Von Willebrand Disease
Wiskott-Aldrich Syndrome

Agammaglobulinemia
Alpha-1 Antitrypsin Deficiency
Aniridia
Chronic Granulomatous Disease
Cystic Fibrosis
Familial Hypercholesterolemia
Fragile-X Syndrome
Hemochromatosis
Huntington's Disease
Lymphoproliferative Syndrome
Muscular Dystrophy (Becker type)
Muscular Dystrophy (myotonic type)
Ornithine Transcarbamylase Deficiency
Phenylketonuria
Retinitis Pigmentosa
Sickle-cell Anemia
Tuberous Sclerosis
Wilms' Tumor

"Morally, there is no family, and no person planning to have a child who can ignore the new genetic discoveries and techniques for preventing genetic disease. Your health and welfare and that of your (future) children are at stake. We all have a right and, indeed, an obligation to know about our particular genes and to consider the options available that increase our chances of having healthy children. We should also all have the freedom to exercise these options as we wish and as rationally as we are able."

"Knowing your family's health history can save your life," said Dr. Eric E. Whitaker, Director of the Illinois Department of Public Health. "By having the information readily available, doctors can more closely monitor a person's health for common diseases, such as heart disease, cancer and diabetes, or even rare disorders like sickle cell anemia or hemophilia, that can run in families."

– **Aubrey Milunsky, M.D.**

Source: *Heredity and Your Family's Health*, Aubrey Milunsky, M.D., 1992. The Johns Hopkins University Press.

Statistics for states implementing access to original birth certificate (OBC) laws since 2000

State	Year OBCs Sealed	Access Law Effective	Data as of	Sealed Original Birth Certificates ¹	Adoptees Requesting OBCs/Records Issued	Percent Adoptees Requesting OBCs ²	Birth Parents		
							Requesting Contact	Requesting No Contact	Percent Requesting No Contact ³
Oregon	1957	5/31/00	5/31/15	107,730	11,476	10.7%	596	86	0.08%
Alabama ⁴	1991	8/1/00	12/31/15	300,000	6,512	2.2%	244	7	0.00%
New Hampshire	1973	1/1/05	12/31/15	24,000	1,760	7.3%	90	13	0.05%
Maine	1953	1/1/09	12/31/15	24,000	1,578	6.6%	28	8	0.03%
Illinois ⁵	1946	5/19/10	1/1/16	400,000	13,400	3.4%	437	472	0.12%
Rhode Island	1944	7/2/12	1/28/16	24,000	1,166	4.9%	23	10	0.04%
Ohio ⁶	1964	3/20/14	12/31/15	400,000	7,422	1.9%	226	155	0.04%
Colorado ⁷	1943	1/1/16	2/26/16	189,807	682	0.4%	20	6	0.00%
Totals/Averages				1,469,537	43,996	3.0%	1,664	757	0.05%

Notes:

Bottom line: 1 out of 2,000 birth mothers requested no contact.

¹ Birth certificates are sealed upon final order of adoption. If a child remains in foster care and is never adopted, the certificate is not sealed.

The number of sealed records are estimates from Vital Statistics from each state.

Percentages are based on the number of *sealed records* equating to the number of birth mothers, because typically birth fathers' names were not on the certificate. Results are:

² **Adoptees requesting their original birth certificate represent a range up to about 10% of sealed records.**

³ **In 8 states, only 757 birth parents requested no contact, or five-one-hundredths of one-percent, which equates to 1 out of 2,000 sealed records.**

⁴ Alabama-born adopted persons, whose original birth certificates were sealed, may obtain a non-certified copy along with all other documents in the file. While most of these requests are from adopted persons, others (who had a legal determination of paternity causing their OBC to be sealed) have also made requests to open sealed files and are included in these counts. Requests for no contact are not tracked. In 2011, they were estimated to be about 7 with none since then.

⁵ Illinois law effective 5/19/10 for adoptees born prior to 1/1/46 and on 11/15/11 for those born after 1945. Of the 13,400 certificates requested, 13,072 were issued as filed, 254 could not be located and 74 had birth parent information redacted from the certificate released to the adopted adult.

⁶ Ohio law effective 3/20/14 for adoptees born from 1/1/64 to 9/18/96. After a 1-year window, 259 birth parents requested their identifying information be redacted. Of the 7,422 OBCs released, 42 had birth parent information redacted from the certificate released to the adopted adult.

⁷ Colorado's access law effective 7/1/14 for adoptions finalized between 7/1/67 and 9/1/99 and prior to 1951 allowed adoptees the ability to obtain copies of *adoption records* from county agencies, such as the courts. Birth certificates became available 1/1/16; however data is not yet available. Additionally, birth parents may request OBCs effective Delaware has ~10,000 sealed records. From 1/99 to 5/13, 841 birth certificates have been released and 18 persons filed disclosure vetos. Requests for contact are not tracked.

Tennessee sealed approximately 73,000 records in 1978 and reopened them in 1999. They do not track requests.

Source of data next page

American Adoption Congress (AAC) www.americanadoptioncongress.org

Testimony for HB 1319

January 23, 2017

From: FirstChoice Clinic

HB 1319: A BILL for an Act to amend and reenact subsections 7 and 8 of section 14 15 16, section 23 02.1 18, and subdivision d of subsection 1 of section 23 02.1 29 of the North Dakota Century Code, relating to disclosure of original birth records to adopted individuals. Introduced by Representative Magrum, Representative Brandenburg and Senator Erbele.

To the members of the House Judiciary Committee:

Representative Kim Koppelman, Chairman
Representative Karen Karls, Vice-Chairman

Representative Jake G. Blum, Representative Karla Rose Hanson, Representative Daniel Johnston, Representative Terry B. Jones, Representative Lawrence R. Klemin, Representative Jeffery J. Magrum, Representative Andrew G. Maragos, Representative Marvin E. Nelson, Representative Gary Paur, Representative Shannon M. Roers Jones, Representative Bernie Satrom, Representative Luke Simons and Representative Steve Vetter

FirstChoice Clinic (Bismarck, Devils Lake and Fargo) is not “directly” involved in adoption, but we act as a referring organization. In that capacity we issue this statement to show how the whole process — intake, counseling, referral to adoption agency, the development of a birth plan, etc. is one continuum that depends on confidentiality, should that be the woman’s choice.

“As an organization that serves women with unplanned pregnancies, FirstChoice Clinic knows that confidentiality is important to our clients and that mandating the disclosure of original birth records to adopted individuals who ask for them could make a difference on whether a woman chooses life. FirstChoice Clinic takes comfort knowing that when our organization refers a woman to an adoption agency that her wishes for confidentiality, if she chooses, will be respected.”

Angela Wambach
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#3
HB 1319
1-25-17

**To the House Judiciary Committee
In Opposition to HB 1319
January 25, 2017**

Mr. Chairman and members of the committee, my name is Linda Thorson, and I am the State Director for Concerned Women for America (CWA) of North Dakota. CWA is the largest public policy women's organization in the nation. We are here today on behalf of our North Dakota members in opposition to HB 1319 to amend North Dakota Century Code relating to disclosure of original birth records to adopted individuals.

Disclosure of information identifying the adopted individual's genetic parents or to initiate the disclosure of non-identifying information not on file with the department or child-placing agency for adopted individuals who are 18 years of age without the birthparents' authorization, when the adoption agency had agreed to confidentiality, does not respect the previously agreed upon wishes of the birthmother.

In addition to taking the privacy rights away from the birthmother, we are concerned that HB 1319 will serve to reduce the number of adoptions to wonderful awaiting families, and worse, make abortion a more attractive option to the birthmother when considering her options.

Changes that prevent an agreement of confidentiality in closed adoptions could cause more pregnant mothers to choose abortion over adoption. Today, many women work with adoption agencies to place their children in loving families because promises of confidentiality are agreed upon. CWA of North Dakota strongly supports adoption and all those involved in this loving choice.

An adoption statistic from American Adoptions finds that 90 percent of adopted children ages five and older have very positive feelings about their adoption. This is true even though the majority of adopted children have little or no contact with their birth parents.¹

We ask you to consider the experience of an adoptee, who like many, has only limited information about her birthmother. She writes, "The nineteen-year-old, unwed girl who gave me life is my hero. I don't know what she was going through before and during her pregnancy with me, but I do know that she chose to give me the most incredible gift that can be given – *life!*"

"Contrary to feeling abandoned by being adopted, I have always felt gratitude to my young, desperately scared birthmother who showed such bravery and love for me and love to my adopted family ... I am intensely loved. I am adopted."

CWA of North Dakota asks you not to put future adoptions in jeopardy. We urge a "Do Not Pass" on HB 1319.

¹ https://www.americanadoptions.com/pregnant/adoption_stats

#4
HB 1319
1-25-17

Judiciary Committee
Rep Koppelman, Chairman

Mr. Chairman and members of the committee, my name is Susan Grundysen. I am the Program Director of the collaborative program between Lutheran Social Services of North Dakota & The Village Family Service Center, who have been providing adoption services since 1919 and 1891 respectively. Neither partner agency supports HB 1319 in the current version. We believe adult adoptees have equal rights to a biological parent. Completely opening birth certificates where an adoption has taken place puts the adoptee's "right to know" above the biological parent's right to confidentiality. We strongly believe the current best practices in adoption around "openness" will prevail to serve the rights of all parties. Through openness, many biological parents and adoptive families mutually exchange identifying information when it is comfortable for all parties.

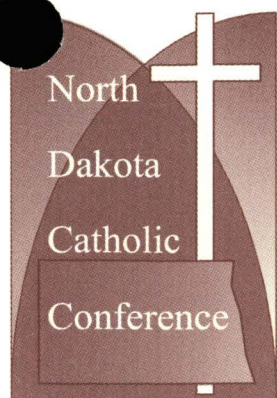
We believe there are unforeseen and unintended consequences of opening up all adoption original birth certificates. It would place a potential burden on those who were promised confidentiality, may have moved from the state of ND and have no idea of the law changes. There are also those birth mothers from decades ago who signed a statement not wanting their information shared, nor did they wish to be reunited with their biological child (for varied reasons). Situations such as these make the desire to completely identify the biological parties involved in an adoption vulnerable. These are generally not the person who would come to the capital building and testify about their experience. Going forward, women and men considering adoption may not consider the choice of adoption knowing their names will be shared upon their birth child turning 18 years of age.

Respectfully,

Susan R Grundysen, MSW, LCSW Program Director: The Adoption Option
A collaboration between Lutheran Social Services of North Dakota
and The Village Family Service Center

(701)730-3775 sgrundysen@thevillagefamily.org sgrundysen@lssnd.org

#5
1319
1-25-17



*Representing the Diocese of Fargo
and the Diocese of Bismarck*

Christopher T. Dodson
Executive Director and
General Counsel

To: House Judiciary Committee
From: Christopher T. Dodson, Executive Director
Subject: House Bill 1319
Date: January 25, 2017

The North Dakota Catholic Conference opposes House Bill 1319.

This is an issue that can generate strong emotional feelings. On one side we have adult adoptees who understandably wish to know something about their genetic heritage. On the other side, we have birth parents who for often very personal reasons who desired to have their identity protected. For obvious reasons, their voices are not here. It for us to speak for them.

Catholic Charities of North Dakota has been facilitating adoptions in the state since 1923. The Catholic Church has been facilitating them for even longer. We come at this from experience and our experience tells us there are many ways respectful to all parties involved the will work better than forcing the disclosure of identifying birth records.

Most adoptions today are open. That is the preferred method. There are times, however, when the birth mother wishes — or perhaps needs — confidentiality. It can make a difference as to whether that woman chooses adoption for her child or abortion. To be frank, so long as abortion is legal and so as long confidentiality could make the difference between choosing adoption or abortion for just one woman, our laws should protect those birth records.

We respectfully request a **Do Not Pass** recommendation on HB 1319.

1

Responses to Common Claims

Forced Identity Laws and Abortion

Advocates for forced identification often dismiss the concerns of pro-life organizations by referencing statements by the American Adoption Congress (ACA), an organization that advocates for forced identity of birth mothers.¹ Here is a look at those claims.

ACA: (Pro-life groups claim that) lifting secrecy will increase abortion.

Truth: That is not the position of pro-life opponents to forced identification laws. The claim is the availability of confidentiality might make a difference for *some* women.

ACA: Data from states where access exists reveals that if access has had any effect on adoptions and abortions, it was to increase adoptions and decrease abortions.

Truth: This confuses causation with correlation. Adoption numbers relative to pregnancies are very low. Closed adoptions are even rarer. Considering this fact and the fact that numerous factors are known to affect abortion rates, it would be impossible to make any conclusion that forced identification laws or laws that protect a woman's identity have any discernible impact on overall abortion rates.

ACA: Since adult adoptees in Oregon and Alabama obtained access to their original birth certificates in 2000, abortions have declined much faster in those states than in the nation as a whole. Between then and 2003 (the last year for which national data are available) resident abortions declined 10% in Oregon and 13% in Alabama, but only 2% in the nation as a whole. In other words, *after adoptees gained access in those states, abortions declined five times as fast as in the country as a whole.*

Truth: Same point as above. This confuses causation with correlation. Adoption numbers relative to pregnancies are very low. Closed adoptions are even rarer. Considering this fact and the fact that numerous factors are known to affect abortion rates, it would be impossible to make any conclusion that forced identification laws or laws that protect a woman's identity have any discernible impact on overall abortion rates.

ACA: Workers at pro-life centers such as Birthright report that young women today will *only* choose adoption if they are assured of updates or contact with the adoptive family. Gretchen Traylor, Birthright counselor in Minnesota, says, "When adoption is under consideration, the young woman's overriding concern is that she will be unable to contact her child later in life, and that the child will not be able to find her as well. Pregnant women tell me that if such contact is NOT available, they would rather abort."

Truth: Even if true, it does not mean that there are not women for whom protection of identity is important to their decision to place the child for adoption.

¹ See: http://www.americanadoptioncongress.org/reform_myths.php

ACA: 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.

Truth: The Guttmacher Institute's website does not identify any study with that name, nor does an internet search. (The only internet search reference to a study by that name are secondary references by advocates for forced identification of birth mothers.)

The Guttmacher Institute, however, does cite a 2004 study entitled "Reasons U.S. Women Have Abortions: Quantitative and Qualitative Perspectives." That study, however, only surveyed women who had abortions and therefore tells us nothing about why women chose to not have an abortion.

Furthermore, that study did not list "inability to choose a confidential adoption" as one of the survey options. Some women, however, did list "don't want people to know I had sex or got pregnant" as one of the reasons women choose abortion.

ACA: A September 24, 2004 (Page D1) *Wall Street Journal* article reports that those parts of the country practicing open adoption currently do not have enough couples to adopt infants being relinquished by birth parents wanting open adoption.

Truth: The article, even if true, tells us nothing about identity options and abortion. Moreover, the claim wrongly presumes that states that protect the identity of birth mothers do not have open adoptions. In fact, most adoptions are open adoptions, as they are in North Dakota.

Do Adoptees have a Legal Right to Identifying Birth Records?

Advocates for forced identification often claim that no court has ever recognized a birth mother's right to confidentiality, relying on information from the American Adoption Congress (ACA), an organization that advocates for forced identity of birth mothers.²

The claim, however, is a misleading. The three cases cited by ACA do not support the proposition that adoptees have any legal rights to birth records besides what is granted through state law. At most, the cases hold that birth parents do not have right under the U.S. Constitution to confidentiality if a state law mandates opening those records.

Whether birth records should be forcibly opened is solely a matter of state law and does not involve constitutional rights.

3

² See: http://www.americanadoptioncongress.org/landmark_court_rulings.php