

**JANUARY 18, 1994 TESTIMONY OF WILLIAM B. NORRIS  
ADOPTIVE FATHER; ATTORNEY AT LAW; AND OF COUNSEL, HAHN, LOESER & PARKS**

***IN SUPPORT OF H.B. 487  
TO EQUALIZE ACCESS TO BIRTH RECORDS FOR OHIO ADOPTEES***

**BEFORE HUMAN RESOURCES COMMITTEE OHIO HOUSE OF REPRESENTATIVES**

Madam Chairman, Honorable Ladies and Gentlemen:

I am an adoptive father and an attorney at law in an Of Counsel capacity to the firm of Hahn, Loeser & Parks which has offices in Cleveland and Columbus. I appear before you today in support of the equalized access to birth records portions of HB 487 which, if passed into law, would equalize for Ohio adoptees the openness of original birth records maintained by the Department of Health.

So that the Committee may know more about my qualifications for testifying on this subject, included at the end of this testimony is information about my professional and community experience.

***AN EQUALIZED ACCESS TO BIRTH RECORDS BILL  
LIKE H.B. 487 SHOULD BE ENACTED IN OHIO***

Ohio has an inconsistent system when it comes to permitting adult adoptees access to their original birth records maintained by the Department of Health. To those persons whose adoptions were finalized before 1964, the records are open. To those persons whose adoptions were finalized after 1963, the records are closed.

My situation is unique because this imbalance that has existed in Ohio for 30 years with respect to the openness of birth records was due in large part to my efforts back in the early 1960s.

I began practicing law in Cleveland in 1951 in a firm that is now Hahn, Loeser & Parks, and when I adopted my first child in 1957, I discovered that the general public had unlimited access to the vital statistics records of adopted children.

As a new adoptive father, I felt protective of what I thought was in the best interests of my children. I did not want any and all members of the general public to have access to my children's birth records, and I undertook to draft legislation to close this access while leaving it up to the courts to permit access for good cause shown.

I received help from other adoptive fathers who were also lawyers, and we thought that our work would be a benefit to all members of the adoption triad: adoptees; birth parents; and adopting parents. I took the draft of a bill down to Columbus, and this resulted in legislation that not only limited the general public's access to birth records, but also placed that same limitation upon all adoptees whose adoptions were finalized after January 1, 1964.

In doing what I did on this 1960s legislation, I was unable to see the impact this would have on my adopted children when they became adults. Subsequent events have taught me that we went too far. While it was appropriate for the 1964 law to foreclose access to adoptees' birth records maintained by the Department of Health as far as the general public was concerned, I now recognize that closing those birth records to adoptees whose adoptions were finalized after January 1, 1964 was a grave mistake. This has resulted in unnecessary discrimination by denying to a special group of citizens the right to have access to their original birth certificates.

It is now obvious to me that the 1964 legislation produced an absurd anomaly in Ohio, and it is painful to reflect on the fact that these changes in the law were made in the belief that they were in the best interests of the entire adoptive process. The absurdity I speak of can be clearly demonstrated by the fact that two of my children (whose adoptions were finalized before 1964) enjoy rights of access to their original birth certificates, which rights are not enjoyed by the my youngest child (who was actually born in 1963 but whose adoption was not finalized until after January 1, 1964.)

The 1964 law has not worked out in the way it was originally intended and it should be changed by the passage of a new law such as HB 457. As you can imagine, I feel strongly about this not only because of my part in the early history for the present closed records law, but also because the resulting secrecy has not benefited, rather it has hurt the most innocent parties in the process, the adoptees.

### ***PEOPLE WANT TO KNOW ABOUT THEIR OWN BACKGROUNDS***

We must be honest in recognizing that the 1964 law was created mostly out of concerns felt by adoptive parents. Those concerns were, and continue to be, genuine because personal family information need not be in the public domain.

However, it is fair to say that in the development of the 1964 law, there was not sufficient attention given to what happens when the adoptive child grows up and needs to know his or her genetic medical history or when the adult adoptee develops an undeniable yearning to know what his or her roots are.

This became clear to me only after witnessing the agonizing search that my daughter, Betsie, made to find her birth parents. Betsie taught me a lot that I didn't know in the early 1960s, and when you think about it, it's not surprising that people want to know where they came from. Ask yourself how you would feel if you didn't know who your own parents were while that information was contained in a Department of Health file, but the file was closed to you, the very person *most entitled*

to it.

When Betsie was in her early twenties (approximately eleven years ago), she developed a driving desire to find her birth parents. Even though the fact of the adoption of my three children was openly talked about with them all through their growing up, the young and dependent child Betsie matured into an independent, talented and thoughtful adult with a need to know things about herself that I couldn't tell her. I was completely sympathetic to her need to find her birth parents and, as you might expect I assisted her in every way I could. Nevertheless, she was the one who performed the search. All I did was to be available to talk with her about hurdles she ran into during the search process.

Watching Betsie go through her own search process taught me a lot about what so many of us refer to as "the adoption process". What I had done in the early 1960's now appeared to me in a much different light. I had gone too far and I realized that the 1964 law needed to be changed again. It is grossly unfair for society to tell one class of adults that they may not know who their birth parents are while at the same time telling other classes that they are free to have such information.

Let me tell you that adoption is more than simply a "process". It is life itself, and the well-meaning actions that gave rise to the 1964 law have had a cruel result. It is time to end the cruelty and enact a bill such as H.B. 487 to make uniform for all adult Ohio adoptees access to their original birth records maintained by the Department of Health, regardless of whether their adoptions were finalized before or after January 1, 1964.

H.B. 487 wisely provides that the adoptee must have attained the age of 21 before he or she may have access to his or her original birth record. Perhaps there are teenage adoptees who could handle the emotional tensions coming from having their original birth records, but it seems to me that the age 21 requirement is appropriate.

I would like to highlight another feature of H.B. 487 which is designed to protect the birth parent in those situations where the birth parent chooses not to be contacted by the adoptee. This provision permits a birth parent to file a written request that the original birth record not be released by the Department of Health. Although this could well result in agonizing frustration for some adult adoptees, the bill attempts to strike a balance between the rights of the adoptee and the rights of the birth parent, while also permitting an override of denial requests in cases of medical necessity.

I'm happy to tell you that Betsie's search for her birth parents was successful and all of Betsie's extended family (her birth parents as well as her adoptive parents) will be forever grateful to her for preserving against all kinds of odds.

Betsie has also done a great deal to assist others in similar circumstances. Indeed, without

Betsie's efforts, Adoption Network Cleveland would not have come into existence. The organization is an advocate for truth and honesty on behalf of all members of the adoption triad, and I enjoy being a part of it. Over and over again, we meet people whose stories remind us how the secrecy of closed birth records unfairly impacts not only on adoptees but also on adoptive parents and birth parents as well. Perhaps with HB 487, we can bring Ohio back into the sunshine where it was before 1964.

***CONSTITUTIONALITY OF AN EQUALIZED ACCESS TO BIRTH RECORDS BILL***

In the 1989-90 legislative session H.B. 256 was introduced in the Ohio House of Representatives to equalize access to birth records for Ohio adoptees, and Amended Substitute Bill 256 was subsequently passed by the House. The bill then went to the Ohio Senate where it was worked on by a Senate subcommittee, but it was never reported out.

One of the arguments made by opponents of H.B. 256 was that it contained retroactive features that would be unconstitutional under the Ohio Constitution.

Because of my interest in this subject matter, I commissioned legal research to be done in my law firm. The result was a fifteen-page legal memorandum dated September 9, 1991, setting forth the applicable legal authorities and describing the state of the law at that time. The conclusion of this legal memorandum was:

**“If an open access law were enacted in Ohio, such a statute would be constitutional. An open access law would invade no constitutional right to privacy of the birth parents, nor would it violate their rights under due process. An open access law would further the state's interest in preserving the integrity of the adoptive process just as much, if not more, than a closed access statute, and because the change to an open access system from the prior partially closed and partially open system would be procedural in nature, the law would not be unconstitutionally retroactive.”**

I am unaware of any developments in the law since 1991 that would change the conclusions set forth in the September 9, 1991 memorandum mentioned above, and it is my opinion that if HB 487 were to be passed into law, it would be a constitutional enactment.

***BACKGROUND INFORMATION***

To permit the Committee to know something about my qualifications for testifying on this subject, I would like to set forth some information concerning my professional and community experience.

Having attended Culver Military Academy in Indiana from 1938 to 1942, I served as a US Army Infantry officer during World War II and was wounded in action in France. My 1948 undergraduate degree was from the University of Maryland and in 1951, I graduated from Columbia Law School. I then joined the Cleveland law firm of Mooney, Hahn, Loeser, Keough & Freedhiem (presently Han, Loeser & Parks). My law practice over the next 35 years included a wide diversity of business law and big case litigation. Eight years ago, in 1986, I decided to retire from the active practice and I became of counsel to Hahn, Loeser & Parks. Even though I am now retired in the sense that I no longer am involved on a day to day basis in the practice of the law, I have maintained my status as an active member of the Ohio bar and I am able to be of help to my law firm from time to time.

A little more than a year ago, my wife, Elizabeth, and I moved to Michigan, but our interest in Ohio matters continues to be strong, and I continue to be of counsel to Hahn, Loeser & Parks.

My three adopted children are aged 36, 33 and 30, and from 1960 to 1963 I served on the Board of Trustees of Children's Services of Cleveland, one of the fine adoption agencies located in the Cleveland area. Over the years I have also been involved in many other local, state and national activities, including (1) Boy Scouts and Cub Scouts of America (Cub Master and Assistant Scout Master 1965-1972); (2) Cleveland Public Radio WCPN 90.3 (1976-1985) Chairman of the Board, President and Chief Executive Officer: 1985 to date Chairman Emeritus); (3) Greater Cleveland Regional Transit Authority 1975-1979 (an original trustee appointed by the City of Cleveland); (4) University Circle, Inc. (Board of Trustees 1972-1986); (5) First Unitarian Church of Cleveland (President of Board of Trustees 1957-1960); (6) Unitarian Universalist Association (UUA Board of Trustees 1961-1969); (7) Citizens Scholarship Foundation of America – "Dollars For Scholars" (National Chairman 1967-1971)

Thank you for letting me express my support for the equalized access to birth records portions of H.B. 487. If this bill becomes law, Ohio can correct a 30 year old well-meaning mistake that has had the unintended result of causing much too much hurt for many, many innocent people.

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