

Sponsor Testimony for HB 61
Representative Dorothy Pelanda

Good afternoon, Chairman Butler, ranking member Stinziano, and members of the Judiciary Committee.

As an adoption attorney for 30 years, and as an adoptive parent, I would ask for your support of House Bill 61.

House Bill 61 would permit adult adoptees in Ohio who were adopted between the years 1964 and 1996 to access their original birth certificates once they reach the age of 18.

Adoptees who were born before 1964 and after 1996 have nearly unfettered access to their original birth records, while it is nearly impossible for adults adopted between these years to obtain the same documents.

When children are adopted, they are given a new birth certificate with their adoptive parents' names in place of their biological parents. People adopted before 1964, and after 1996 can easily obtain their original birth certificate from the Ohio Department of Vital Statistics.

In 1964, concerns about biological parents contacting adopted children led to legislation that sealed the original birth certificates. Legislation in 1996 opened the records for children born after September of that year unless the birth parents choose to have the records sealed. This law, however, was not retroactive. Currently, people adopted between 1964 and 1996 need a court order to access their birth certificates.

An adoptee must prove "good cause" to unseal the original birth certificates, but what qualifies as "good cause" varies from county to county which causes legal disparity in our state.

By giving all adoptees the same access and rights to their personal documents, we will be closing a gap that has caused much grief and stress for those who wish to access this information.

This proposal, to eliminate the three tiers of access to birth certificates, has been introduced but failed to pass in previous General Assemblies. Former opponents, including Ohio Right to Life, who once advocated that eliminating confidentiality would lead to more abortions, now supports relaxing of its former stance. Director Mike Gonidakis recently stated, "Because personal information is more accessible than ever before with social media, it makes sense people should have access to their own birth and medical records. It's the right thing to do".

Other concerns, that birth mothers were given explicit or implicit promises during this time period that they would not be contacted, is not supported by the evidence, which includes a study of the Surrender and Placement documents used by Probate Courts in Ohio during this time period.

However, House Bill 61 will delay the effective date of the Bill for one year after it is signed into law, to give birthparents a chance to voluntarily file a "contact preference form" alongside the birth certificate to make know how or if they would like to be contacted.

These birth certificates reveal only part of an adoptee's story; an unmarried birth mother could not, and cannot, fill in the information about the birth father on the birth certificate application. Only the father himself may fill in his own information. Second, we are dealing with birth certificates that are 18-49 years old. The likelihood that postal addresses, or even last names, are still correct, is unlikely. The birth certificate is an historic document for many of these people: valuable for the few, but vital, questions it may answer.

Our youngest child Zoe is adopted. She was born in 1994, and falls within this group of adoptees who are the subject of this Bill. By virtue of the process known as an "open" adoption, where we met the birth mother at delivery, we received Zoe's original birth certificate upon her placement with us as prospective adoptive parents. "Open" adoption can take many forms. In our situation, we had no continuing contact with the birth mother.

Zoe is AmerAsian-her mother is caucasian, and her father is vietnamese. Zoe's original birth certificate is precious; it helps her to answer some questions about who she is, and where she is from.

However, from the time that Zoe was very small, her father and I instilled in her the concept that, with knowledge comes responsibility. We counseled her, over the years, as she grew in understanding about her adoption, that people's privacy must be respected, her own, as well as her birth parents'.

I believe, from my professional and personal adoption experiences, that all adopted children have a hole in them that cannot be filled; made a little smaller, perhaps, by giving them the gift of their history.

At this time, I would like to turn the podium over to Representative Antonio for her perspective on this legislation, and thereafter I would be glad to answer questions.