

**TESTIMONY IN SUPPORT OF HB 162 BEFORE
THE SENATE COMMITTEE ON AGING AND YOUTH
March 18, 2014**

Senator Mensch and Senator Washington, Members of the Committee. Thank you for the opportunity to speak to you today in support of HB 162.

My name is Carolyn Hoard. I was born in Delaware County and now reside in Chester County, PA. I have been a member of the American Adoption Congress since 1998, a past president of the organization, and currently a member of its Legislation Committee. I am the mother of five sons and daughters, only one of whom does not have his original birth certificate (OBC) because I am a mother who placed my son for adoption in 1964. Despite the fact that I shamed my family by having a child out of wedlock, moved a thousand miles away so the neighbors wouldn't learn about my pregnancy, and gave away my own child, **I** have my original birth certificate from Harrisburg. My son, who did not choose to be born or choose to be given away, who did nothing wrong other than be born to an unwed mother, is treated differently than his siblings. Of my five children, he is the only one who does not have a copy of his original birth certificate simply because he is adopted. My son was born in Florida, another sealed records state. But had he been born in Pennsylvania, the result would have been the same – he would have been denied access to his own birth certificate. Despite his requests to Catholic Social Services, the Division of Vital Records and the court in Palm Beach County, FL, my son passed away at the age of 37 without ever having received his birth

certificate. Pennsylvania-born adoptees pass away day in and day out without ever seeing their original birth certificate.

Opponents of this bill will tell you that birth parents were promised confidentiality when they signed the relinquishment papers. This is not true!! There is nothing in the relinquishment papers signed by mothers that promised us confidentiality from our own sons and daughters. Title 23, Chapter 27, Sec. 2711(d) of the PA Code requires that the consent signed by a parent of a child to be adopted contains this statement:

I understand that by signing this consent, I indicate my intent to permanently give up all rights to this child.

Nowhere does the consent guarantee the relinquishing parent confidentiality from her son or daughter. By giving up “all rights,” one can assume that those rights include giving up any right to privacy or confidentiality she may have thought she had.

Elizabeth Samuels, a Professor of Law at the University of Baltimore School of Law, wrote a paper entitled *Surrender and Subordination: Birth Mothers and Adoption Law Reform*. Attorney Samuels reviewed over 75 surrender documents provided to her by birth mothers for the period 1939 to 1990. Not one document contained a written promise of confidentiality. Quoting from the article:

The birth mother advocates ... stress the fact that birth mothers were neither offered a choice of being, nor guaranteed that they would be, forever unknown to their children. That fact, emphasized in birth mother accounts and corroborated by the surrender documents,

makes it fair to ask, ‘Why is something I was supposedly promised, which I did not want and never heard of, so important now that it is used to deny adopted adults their civil rights?’ (*Emphasis added*)

I challenge anyone here today who opposes this bill to produce one document wherein a birth mother was legally promised confidentiality in writing. If a mother relinquishes her child but that child is never adopted, the birth certificate is never sealed. How does that protect the mother’s privacy? Additionally, court decisions in Tennessee and Oregon have confirmed that there was never an absolute guarantee of birth parent confidentiality in any adoption.

Until 1984 adult adoptees born in Pennsylvania were treated fairly and exactly the same as every other PA-born person. However, in 1984 a Pennsylvania legislator convinced the General Assembly that pregnant women would opt to have an abortion if they thought their son or daughter could search for them 21 years later. His argument has been proven to be untrue in the states that have allowed access. In 2011 the Guttmacher Institute of New York issued its report on abortion data. Six states passed access legislation between 1999 and 2009. Of those six states, only one had a slight increase in abortions since the passage of its law. In the remaining five states, abortions have **decreased** since passage of access laws. In Alaska and Kansas, where records have always been available, abortion rates are well below the national average. The laws passed in Illinois and Rhode Island are too recent for data

to be available. There is simply no evidence to the opponents' claim that allowing adopted adults to obtain their original birth certificate will lead to increased abortions.

Since Delaware and Tennessee changed their law in 1999 up to May 2010 when Illinois did so, **over 30,000** adult adoptees have received their original birth certificate. We are not aware of any negative impact this has had on the lives of birth family members.

Some people misunderstand the intent of this bill and believe that it opens the door to adoptees and others obtaining every document relating to their adoption. This is not the case. HB 162 is about an adoptee having the right to one piece of paper only – the original birth certificate. The adopted person's need to receive his or her original birth certificate does not reflect negatively on their adoptive family; it is simply a desire to know who they were at birth, what nationality they really are, what name they received at birth. It is a basic human need and one which the Commonwealth of PA has denied them since 1985. The original birth certificate is considered a legal document, a factual snapshot of the beginning of a person's history. It belongs to the adopted person! As a birth parent who placed a son for adoption, I support HB 162 and I urge you to do the same.

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