

Crash Course on the *Adult* OBC Access Issue, SB329, HB547

Thank you for taking the time to familiarize yourself with SB 329 and HB 547. This legislation restores access for adults to their original birth certificates. Last session's bill addressing this issue was HB 984. This bill is being brought forth by the adoption community from all over the State of Texas, having the endorsement of adoptive parents, biological parents, and adopted people, as well as advocacy groups and adoption agencies. Our group is over 1,000 strong. Senator Creighton is the current senate sponsor and was also last session's senate sponsor. In fact many of the senators who are current sponsors have sponsored this bill for decades and have signed on as joint authors or pledged to sign on as co-sponsors in the coming weeks. We are so amazed at the level of support going into this session and appreciate all the time you have already given to our issue. We have compiled this tutorial and included a compilation of the facts for your convenience.

The latest media coverage including a statement from Senator Creighton:

<http://news4sanantonio.com/news/local/the-fight-for-what-some-are-calling-a-civil-right>

Lieutenant Governor Dan Patrick's promise:

<http://news4sanantonio.com/news/local-deprecated/birth-certificate-bill-blocked>

Bi-Partisan Support:

Access legislation has support from both Republicans and Democrats in Texas and nationwide. Bill Sponsors have been both Republicans and Democrats, with an array of Governors signing from both political parties, including now Vice President Pence. Last session there was *no opposition* to this bill in the House Committee Hearing or the Senate Committee hearing. Senator Creighton - R was the 2015 Senate Sponsor and is the current Senate Sponsor. Representative Deshotel - D was the author and House sponsor in 2015 and is again this session

Current Senate Bill Sponsor SB329 (2017)

Brandon Creighton, R

Joint Authors in 2017 (thus far)

- **Senator Bettencourt - R**
- **Senator Birdwell - R**
- **Senator Estes - R**
- **Senator Garcia - D**
- **Senator Lucio - D**
- **Senator Menendez - D**
- **Senator Miles - D**

- **Senator Rodriguez - D**
- **Senator Seliger - R**
- **Senator Perry - R**
- **Senator Van Taylor - R**
- **Senator Watson - D**

Voted yes in Senate State Affairs Committee:

- **Senator Huffman - R**
- **Senator Hughes - R**
- **Senator Lucio - D**
- **Senator Creighton- R**
- **Senator Birdwell - R**
- **Senator Rates - R**

Senate Sponsor 2015

Brandon Creighton - R

Senate co-sponsors in 2015

- **Senator Bettencourt - R**
- **Senator Birdwell - R**
- **Senator Ellis - D**
- **Senator Estes - R**
- **Senator Kolkhorst - R**
- **Senator Lucio - D**
- **Senator Menendez - D**
- **Senator Perry - R**
- **Senator Rodriguez - D**
- **Senator Schwertner - R**
- **Senator Seliger - R**
- **Senator Larry Taylor - R**
- **Senator Van Taylor - R**
- **Senator Watson - D**

Current House Sponsor for HB 547 (2017)

Representative Joe Deshotel - D

Co authors/ Sponsors for HB547 so far*:

- **Rep. William Metcalf - R**

- Rep. Ina Minjarez - D
- Rep. Senfronia Thompson - D

House Sponsor of HB 984 (2015)

Representative Joe Deshotel - D

**HB 984 was passed unanimously out of the Juvenile Justice and Family Issues House Committee hearing.*

HB 984 easily passed 138-1 in the House of Representatives Floor vote.

Co-authors/Sponsors in the House HB 984 (2015):

- Representative Joe Deshotel - D
- Representative Tan Parker - R
- Representative Debbie Riddle - R
- Representative James Keffer - R
- Representative Senfronia Thompson - D
- Representative Yvonne Davis - D
- Representative Mary Gonzalez - D
- Representative Ryan Guillen - D
- Representative Ana Hernandez - D
- Representative Donna Howard D
- Representative Bryan Hughes - R
- Representative Jason Isaac - R
- Representative Kyle Kacal - R
- Representative Phil King - R
- Representative Stephanie Klick - R
- Representative John Kuempel - R
- Representative Lyle Larson - R
- Representative J.M. Lozano - R
- Representative William Metcalf - R
- Representative Joseph Moody - D
- Representative Geanie Morrison - R
- Representative Jim Murphy - R
- Representative Dade Phelan - R
- Representative John Raney - R
- Representative Ron Reynolds - D
- Representative Scott Sanford - R
- Representative Phil Stephenson - R

- Representative James White - R
- Representative Paul Workman - R

Research on the topic includes:

- [Ftdna.com](http://ftdna.com), [Ancestry.com](http://ancestry.com), and [23&me.com](http://23andme.com) have over 4 million people, and counting in their DNA databases -guaranteeing adoptees and birth parents genetic matches when they test. Adoptees are matching with cousins and asking questions as they climb the “genetic family tree” to arrive at an aunt, uncle, or sibling, then asking about the adoption that took place years ago. Birth parents are then outed in a very public way, after the entire family finds out first about the search. When OBCs are open, the birth parent can be contacted directly, avoiding the rest of the family finding out before the birth parent knows..”*DNA testing used in conjunction with traditional adoption search methods is the most effective approach for finding your family. If traditional search methods are not available to you, do not despair. Many have found their answers using just DNA tests and the help of a few newly found DNA relatives, some right away and some after many years.*”
http://isogg.org/wiki/Utilizing_DNA_testing_to_break_through_adoption_roadblocks
- **Social media** - With sealed records, birth parents and adoptees are being outed in very public ways on Facebook, Twitter, Tumblr, and other social media outlets; “...*you will also want to INVITE everyone you know to like your page and share the image. A good way to do that is to create an Facebook event and very clearly tell people what they can do to help.*”
<http://www.adoptionbirthmothers.com/how-to-use-social-media-for-an-adoption-search/>
- *A Simple Piece of Paper*. Documentary by Jean Strauss; Go to 7:30 on this YouTube video to get a legislative as well as personal look at the issue. Very informative.
<https://www.youtube.com/watch?v=WkJjye0Mlz0>
- **For the Records II: An Examination of the History and Impact of Adult Adoptee Access to Original Birth Certificates Policy & Practice Perspective** July 2010
Funded and Prepared by The Evan B. Donaldson Adoption Institute
http://adoptioninstitute.org/old/publications/7_14_2010_ForTheRecordsII.pdf
- **The Strange History of Adult Adoptee Access to Original Birth Records**, Elizabeth J. Samuels, University of Baltimore - School of Law.
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1281475
- **An Adoptee Roared in OHIO: The Betsie Norris Story**: This short documentary reveals the fascinating story behind why Ohio sealed adoption records in 1964, and how Adoption Network Cleveland’s Executive Director Betsie Norris spent 24 years

changing a system her own father inadvertently helped to create, but then worked to change. <https://www.youtube.com/watch?v=g6DkbGU4kLY>

Current & historical points of opposition, and explanations:

“Society can no longer use birth parents to justify keeping records sealed. Birth parents have weighed in and they overwhelmingly support access!”

The idea of remaining anonymous from a blood relative in our current information age is simply not a reality. Here are the current game changers: DNA testing sites & social media:

<http://center-stripe.blogspot.com/2015/04/i-am-writing-in-support-of-restoring.html?m=1>

This legislation provides birth parents a voice in Texas for the first time, as to their wishes regarding contact. In states that have included the contact preference form, over 99% choose contact!

Contact Preference Form:

We believe a contact preference form gives a fair and balanced approach to the legislation. It allows the birth parent the ability to express their wishes for contact, and in what manner, and yet grants the adoptee access to vital history and medical information. We are fair minded Texans trying to do what we believe is right for *all* Texans in the adoption community.

The current system is adequate or just needs some updating:

Birth parent right to anonymity: These fact sheets include info on birth parent access support:

- <https://vimeo.com/211421009>
- http://www.americanadoptioncongress.org/reform_myths.php
- <https://drive.google.com/file/d/0B6LIye9u8DN3bkNmN2pLcjBpTjZyMEY5OTBLYkExcGRmaVQw/view?usp=sharing>

Concerned United Birthparents (CUB) represents the largest birthparent support group in the country. They support access legislation, and their sentiment echos their formal policy position: http://www.cubirthparents.org/open_records.php

“CUB supports adult adoptees’ right to access their records, without restrictions or qualifications. Knowing one’s identity is a civil right which is being constantly abused by the practice of sealed records adoptions. All human beings have the right to know their original identity which includes their genetic roots, their medical history and biological history.”

Also from the Concerned United Birthparents website: "The myth of confidentiality is often used to oppose open records, but birthparents were never promised such secrecy and do not want it. The majority of birthparents want to be reunited with their children, but in the end, this is not relevant. Equal access to vital statistics and court files and the wish to search for one’s birth parents are completely separate issues. An adoptee’s decision to search is independent of the right to obtain vital statistics and court files that concern himself or herself."

In all the years and in all the states who have passed, there was only two cases brought before the courts and they were summarily shot down. The Tennessee US Sixth Circuit Court of Appeals in 1996, when ruling, included the statement that “a birth is a public event and as such public information, and the constitution does not grant the right of a parent's anonymity from their child.” The U.S. court upheld Tennessee's open records law. This is the only known challenge to access law and the law was upheld. 20 states now have access, Alaska and Kansas never closed access. The case can be read [here](#) and also in the Elizabeth Samuels testimony previously mentioned:

Legislation: A link to the NJCARE website list of Frequently asked Questions is also very helpful. NJ passed this legislation in May 2014: <http://www.nj-care.org/legislation-faqs.php>

The myth that adoptive parents are the “forever family” is contractual

Today there is an ever shrinking, very small minority of adoptive parents who are threatened by their adult children having access to their biological information. While therapists are equipped to address these fears with the minority of adoptive parents who express them, these are antiquated views and do not acknowledge the legal rights of the adult adoptee. Though these fears may feel very real to the parents, they are not a basis for keeping records legally sealed from adoptees. Click the link for a full list of reasons as to why this arguments is easily debunked. <https://tinyurl.com/mwhr5nh> Summed up:

- There is no legal language in an adoption contract, state or private agency which guarantees adoptive parents that their adoptive child will never learn about their origins, that records will always be sealed, or that their adopted child will always belong to them past childhood.
- This legislation does not break or hinder the legal parental rights granted to any parent of any minor child or adult child. The adult adoptee enjoys all the freedoms under the law that a biological adult child is afforded at emancipation, which is 18. The adoptive parents remain the legal parent of the adult adoptee and are granted the same protections and rights as a parent would be to a biological adult offspring under this legislation.
- The term “forever family” is a social construct, carrying no legal weight to contractually obligate an individual to their family into adulthood. We remain in family relationships in adulthood because they are healthy for us and we love our family, not because of a contract.

The effect of access to original birth certificates on abortion rates:

Opponents historically felt that if this law passed, abortion rates would rise. However, since the legislation has passed in 18 States this has not been the case. Additionally, in Kansas and Alaska where the OBC was never sealed, abortion rates were lower than neighboring states. In states that opened up the OBCs, the *abortion* rates subsequently dropped. So, in fact, the opposite seems to be true. Particular attention to be paid to Oregon's data. Very telling, as their abortion legislation has been untouched. They have greatest access to abortions and yet their rates naturally went down after OBC access laws were passed.. The CDC reports rates by the residence of the woman, not by occurrence, thus providing quality assurance of data showing rate decline.

*“On the same note, the same [above mentioned] states have higher **adoption** rates when there is open records and no secrecy. In fact, some of the openness in adoption can be traced back to a study done by the NCFR and the Family Research Council called, *The Missing Piece*, where they studied the feelings of mothers who relinquished (while blindfolded) and learned that women would be more open to adoption as a choice for an unplanned pregnancy if they could know where their child is and how they are faring. The findings of that study were turned into the federally funded Infant Adoption Awareness Training Program.” - ARC, 2015*

Examples of support from Pro-Life groups, adoption agencies, social work & civic groups, and other organizations:

- Holt International
- The National Association of Social Workers (NASW)
- The Donaldson Adoption Institute

- The American Academy of Pediatrics
- Adoption Knowledge Affiliates
- North American Council on Adoptable Children
- [Child Welfare League of America \(CWLA, over 800 member agencies\)](#)
- The National Adoption Center
- Spence-Chapin Agency
- Concerned United Birthparents
- Right to Life (Michigan, Indiana, Georgia, and Ohio)
- Ohio Catholic Charities
- Abrazo Adoption Associates
- Catholic Charities of the Diocese of Albany
- OpenAdoption.org
- [Parents for Ethical Adoption Reform](#)
- Family Tree DNA
- The American Adoption Congress
- Family Tree DNA

Major religious groups including: the Episcopal Church, Church of Christ, and the Presbyterian Church of America, the Ohio Catholic Conference support restored OBC access to adult adoptees; with more joining every day.

You can see exhibited here that pro-life groups across the country have good reasons to support access three days. Just a few examples:

<https://drive.google.com/file/d/0B6LIye9u8DN3bkNmN2pLcjBpTjZyMEY5OTBLYkExcGRmaVQw/view?usp=sharing>

Media Coverage in San Antonio regarding OBC legislation in Texas:

- <http://news4sanantonio.com/news/local-deprecated/birth-certificate-bill-blocked>
- <http://news4sanantonio.com/news/local/adoption-bill-fails>
- <http://news4sanantonio.com/news/local/emotional-reunion-brother-and-sister-meet-for-the-first-time>
- <http://news4sanantonio.com/news/local/the-fight-for-what-some-are-calling-a-civil-right>
- <http://news4sanantonio.com/news/faces-of-san-antonio/adoptive-mother-spreads-awareness-about-open-adoption>

Committee Hearing in 2013 relating to OBC Access:

OBC bill coverage begins at 51:00. Very relevant comments from Senator Campbell begin at 54:00.

http://tlcsenate.granicus.com/MediaPlayer.php?view_id=9&clip_id=810,

Your careful consideration of this matter is greatly appreciated by all members of the adoption community, throughout the State of Texas. If you have any additional questions, please respond to this message and you will be connected with someone who can assist you. Also, check out our mobile app for all this info and more regarding Texas's OBC legislation in 2017. [Click here](#) to download the app.

Thank you for taking the time to learn about this issue,

Texas Adoptee Rights

Board of Directors

Info@texasadopteerights.org