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Multimedia Writing and Rhetoric

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Unsealing Identities

Situation: As someone who has been adopted from a foreign country with no knowledge of medical records or my biological parents and family, I am writing a speech to present to my Writing and Rhetoric class at the University of Notre Dame. At least some of the class probably does not know many of the controversies surrounding the topic of sealed records of adoptees. Through this speech, I intend to inform my audience of the negative effects of denying adopted people access to their records and the positive effects of granting full access. Ultimately, I hope that they will consider my argument when deciding whether or not adoptees should have access to their own records and see the advantages of granting that access.

Good afternoon. As you all know, my name is Mary -----. However, not all of you may know that I was adopted from South Korea as a three month old baby. Today, I am speaking to you about a controversial issue that dates back over a hundred years ago. It is a topic that I have great personal stake in as well. But first, let me ask you a few questions. Have you ever wondered about your ancestors? Have you ever questioned your ethnicity? Have you ever tried to discover your true identity? Most of you would agree that these are essential questions that everyone asks him or herself at some point. For some of these general questions, one could simply call up parents, grandparents, or some relative for the answers. But, for others, the answers are more difficult to find.

This is a problem that a significant number of adopted people face in their lives due to sealed adoption records. Throughout the years, adoption laws have been written and rewritten, sometimes in favor of the privacy of birth parents and other times in the favor of adoptee interests. In the United States, laws regarding sealed adoption records vary from state to state, with certain states granting more access than others. Through my own experience and after

hearing many experiences of fellow adopted people, I have come to the conclusion that adoptees should have full access to their sealed medical, non-identifying, and identifying adoption records.

Before going into further detail as to why full access to sealed adoption records for adoptees is necessary, it is important to be aware of current adoption record laws as they stand. There are two types of information regarding adoption that are sealed by the courts in the United States: non-identifying and identifying (“Access” 2). An adoption website, www.childwelfare.gov, states that “Nonidentifying information generally is limited to descriptive details about an adopted person and the adopted person’s birth relatives.” This type of information usually includes records pertaining to the birth place and date of the person, general physical descriptions of birth parents, some medical history, and the reason for putting the child up for adoption, among other limited details. Even though all U.S. states have some sort of way for an adoptee to gain access to this type of information, each state varies in strictness about how the person should go about actually receiving the records (“Access” 2). For instance, New York, Oklahoma, and Rhode Island assert that adoptees must be filed in a mutual consent adoption registry in order to receive this information. In other states, a court order must be petitioned with a legitimate cause, although what constitutes as a legitimate cause is not always clear (“Access” 3).

On the other side of the spectrum is identifying record information, which basically is any information that could possibly allow the adoptee to track down or clearly identify his or her birthparents. This can include names, jobs, and addresses of birth parents (“Access” 3). For identifying information, the procedure to gain access to records is usually pretty strict. In many states, laws allow the release of records if the birth parents consent to it. However, this

prerequisite can become convoluted if the birth parents never consent or if they are not on file at a consent registry, as it becomes difficult to contact them. A more assured way of gaining access involves a court order with good cause (“Access” 3). The phrase, “good cause,” is quite ambiguous though. However, Lindsay J. Mather, an associate member of the University of Cincinnati Law Review, explains that, “Courts determine whether good cause exists by balancing the adoptee’s interests, the biological parents’ interests, the state’s interests, and, in certain circumstances, the adoptive parent’s interests.” In general, the courts usually permit access to records for necessary medical and psychological needs. Although they allow this access, they do not regard simply wanting to know familial origins as a good cause (Mather). In these cases, the adoptee must go to great lengths to unseal identifying information, and as many of you would guess, this process can be difficult, time-consuming, expensive, and can result in the denial of an adoptee’s request after all of that trouble.

With regards to U.S. international adoptions, the procedure to gain record access is even more complicated. For example, if I would want to find medical history or contact my birthparents, I would have to follow several complicated steps to even begin the access process. I would have to contact the private adoption agency, which would then have to somehow acquire contact information from my birthparents. After that, the agency would be required to ask for consent to release the information and or, the agency would not have reliable records on file (Goldbas 43). I have spoken to other adopted people throughout my childhood who have attempted to have their records released, only to have their requests completely shut down by the agency. In other words, the process of gaining access to sealed adoption records is rigorous at best. The solution to this problem is to change record laws to allow for full adoptee access to adoption records.

Now that I have covered the general adoption record laws, let me explain why people should actually have this full access to their sealed records. Opponents of full adoptee record access argue that this access could potentially harm or threaten birth parents' safety or privacy (Armstrong-Ingram 31). R. Jackson Armstrong-Ingram, a cultural anthropologist and archivist at the U.S. National Bahá'í Archives, claims that this protection of birth parents privacy "...creates a special protection category offering something to those who give up children that is not available to those who keep them." He also questions whether or not the birth parents have a moral obligation or responsibility to supply information to adoptees even though they legally are no longer responsible these offspring (Armstrong-Ingram 31). This question of morality is highly disputed. But, if the birth parents do have a responsibility to their offspring, then granting full sealed record access to adopted people would relieve parents of some of that moral obligation.

Throughout the past century, the debate over whether or not adoption records should be sealed or unsealed has swung in favor of both sides of the controversy. As I mentioned, laws for requesting medical information and history vary quite a bit among states. Because of this variance, it might be significantly easier for an adoptee to receive medical records in one state than for an adoptee in another state. This seems hardly fair for the adoptee in the state with stricter record regulation. In addition, availability of medical history and records is vital to the well-being of a person (Goldbas 41). Diseases may be passed down to the adoptee by the birth parents, and or adopted people may be more likely to develop a condition based on history of that condition within a birth family in both the physical and mental senses (Goldbas 41). Abbie Goldbas, a writer for the International Journal of Childbirth Education, claims the importance of knowing medical history by stating that, "...it is the difference between optimal, focused health

interventions and hit-or-miss treatments.” Granting adoptees full and easier access to their adoption records would potentially solve the dilemmas here and could ultimately save lives.

It is agreed upon that medical records are important for adoptees, but another issue of sealed adoption records is still disputed among experts, lawyers, and adoptees alike. Personal identity and origin are some of the biggest reasons why adopted people search for their sealed records. As an adoptee, I can attest to this. Even though I was adopted at a very young age, the psychological effects of my adoption and assimilation into my current family were significant to the development of my identity. Towards the beginning of the twentieth century, adoptions in America included sealed records in order to protect adoptees from stigmatization in their communities as well as to encourage bonding of adoptive parents and children (Grotevant 379). Progressing towards the 1960s and 1970s, a social change occurred. It involved the gradual switch from stigmatization to an ardent birth origin search for the purpose of discovering “adoptive identity” (Grotevant 380). That’s when the trend of adoptees seeking identifying and non-identifying information about their birthparents started to peak.

Moving on, one can see that there are multiple identity and psychological nuances associated with adoption that granting full access to sealed records would begin to help. Sociologists have asserted that in societies like America, there is a view that family ties are based on blood (Grotevant 381). In other words, blood relations and biology are key to what many view as kinship. Adoptees may feel uncomfortable in certain situations where blood relations are focused on, and this incongruence with societal views can cause adopted people to feel like they don’t belong or fit in. The issue of not “fitting in” becomes even more prevalent if transracial adoption is involved (Grotevant 383). For example, I grew up in a completely Caucasian family, with the exception of my brother, who is also adopted from South Korea. Although my brother

and I were raised in an extremely loving and accepting household, our parents could not always shield us from issues with identity. One of the most awkward experiences as a young child was being asked the question, “Why do you look different than your mom and dad?” At the time, 3rd grade me didn’t really know how to even begin to answer that question, but I do distinctly remember how awkward I felt. I wasn’t sure about which identity I should portray to others: my American adopted identity or my Korean birth family identity. As I mature, I don’t feel the awkwardness of being adopted anymore, but I do feel as if full access to my sealed records would truly aid me in self-identification.

Opponents of adoptee access to sealed records might say that revealing two sets of parents (birth and adoptive) to a child would harm the development of his or her identity due to internal conflict about which family is his or her “true family” (Grotevant 381). This is valid concern. However, if a child were told that he or she was adopted, wouldn’t the child want to know information about the birth family in order to more completely develop his or her identity and “fill in the gaps”? Furthermore, knowing actual information about birthparents can give an adoptee a sense of completeness and “human connectedness,” while aiding him or her in coming to terms with the adoption (Grotevant 381). Ever since my parents told me that I was adopted, I have had a strong curiosity towards my birth parents. During adolescence – the prime years of identity development – my curiosity peaked, as I consistently felt as if there was a missing piece of my identity. This type of curiosity is consistent with at least part of the adopted community. Even though not every adoptee wants to know more about his or her adoption, the option to fully access sealed records should be available regardless.

To conclude, for adopted people who feel the need to know their origins, access to their court sealed files should be fully granted to them. Consistency in adoption laws from state to

state that allow for fairness should be implemented because it goes hand-in-hand with fully granting access too. The debate over whether or not adoptees should be allowed to know identifying and non-identifying information remains controversial, with proponents claiming that an adoptee's quest for identity and genetic history overshadows opposing claims pushing for the right to privacy of the birthparents. With all of this considering, the benefits of granting adoptees this full access are immense. It would potentially save lives, give back adoptees their rights, and ultimately unseal a part of their true identity.

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