

# Adoption

From page 1

are within this category, in which the birth parents may be known to the child.

Yet many adoptions are made to new families who are total strangers to the natural parents. The adoptive parents receive only sketchy information at the time of adoption about the child's history. Most social workers and professionals in the adoption field agree that the number of inquiries from adoptees requesting information about their birth parents is increasing.

In the past few years, a national trend has emerged toward breaking open the seals which have kept closed the documents containing the original birth certificates of adoptees, and toward identifying and locating medical information about natural parentage.

Most states tightly lock the heritage of the child within these confidential reports. Only seven states in the nation have adopted legislation allowing open documents with consent. Others are beginning to review past statutes concerning sealed adoption documents. Nine states have legislation pending to determine adoptees' rights to know information concerning their natural parents, the natural parents' right to know how the adoptee is developing, or the right of the natural parent to remain unknown.

"This right to know is a drastically complex, sensitive, emotional issue," said Robin Peacock, supervisor of adoption for the North Carolina Division of Social Services.

Peacock and natural parents, adoptive parents, adoptees, and other professionals in the field of adoption have testified before the North Carolina Legislative Research Commission Committee on Rights of Adopted Children. The eight-member committee is responsible for gathering data and testimony from all parties of the adoption triangle and examining the emotional aspects of the right to release such information. Although it is not responsible for determining legislation, the committee, co-chaired by Rep. Mary Seymour and Sen. Willis P. Whichard, has presided over three public hearings since October 1979 and will continue until it has submitted recommendations to the 1981 legislature for discussion.

## Bureaucracy, a tangle of legislation and other obstacles cloud issues and adoptees' search for heritage

"The examination of the right to release adoption records is an extremely sensitive and controversial subject. We are trying to receive a balance of information from representative agencies and all sides of the adoption triangle," Seymour said.

"Adoption is not the issue. Sealed records were the experiment and have failed," said Virginia Rader of Concerned United Birth Parents, a support group for those who have surrendered their children. CUB favors the birth parents' right to know the welfare of the adopted. The organization is one of many concerned private groups currently involved throughout the country in an attempt to encourage openness about the after-adoption process.

Other organizations, which also try to help adoptees locate their natural parents, include Adoptees Liberty Movement Association, based in New York; Orphan Voyage of Cedar Ridge, Colorado; and Adoptees Together, an organization founded in North Carolina. All are attempting to change the policies of the states concerning sealed adoption documents.

The policy in the United States beginning in the late '30s and early '40s was based on the idea that everyone would benefit if adoption records were kept closed.

"There was a lack of thinking about the youngster who would have medical reasons for up-to-date medical information or young married couples and their children," said Joseph Crimes, a member of the Maryland committee to study adoption laws. "Consider the woman who must take her child to the pediatrician and when asked about past medical

history, all she can respond is 'I don't know, I was adopted' or 'I don't know, my child is adopted'."

In fact, the policy in North Carolina after 1949, when the state adopted guidelines which neither forbade nor required that information be given out to any parties of the adoption triangle, was extremely vague. Although the confidentiality of the birth parent was stressed, the statewide policy was interpreted in a loose fashion and information was easily obtained.

Following a 1977 decision, *Spinks v. North Carolina*, and the Attorney General's interpretation of the case, however, agencies could no longer release any type of information regarding adoptees' history. Once again the files were tightly sealed.

"The information is now frozen. Until the Spinks case, agencies felt freer to release more non-identifying information," said Susan Frost, staff attorney at Legislative Services for the N.C. General Assembly. "Now agencies do all they can to conceal the original birth certificate of the adoptee. Recently though, non-identifying medical information can be obtained upon a written request directed to the placement agency or Department of Social Services."

Frost has reported before the Legislative Research Committee on Rights of Adopted Children that "essentially the position taken was that records should be open to parties concerned—the adult adoptee and the birth parent would be entitled to court and agency records that led up to the adoption and the adoptive parents and adoptee were entitled to records after the adoption was effected."

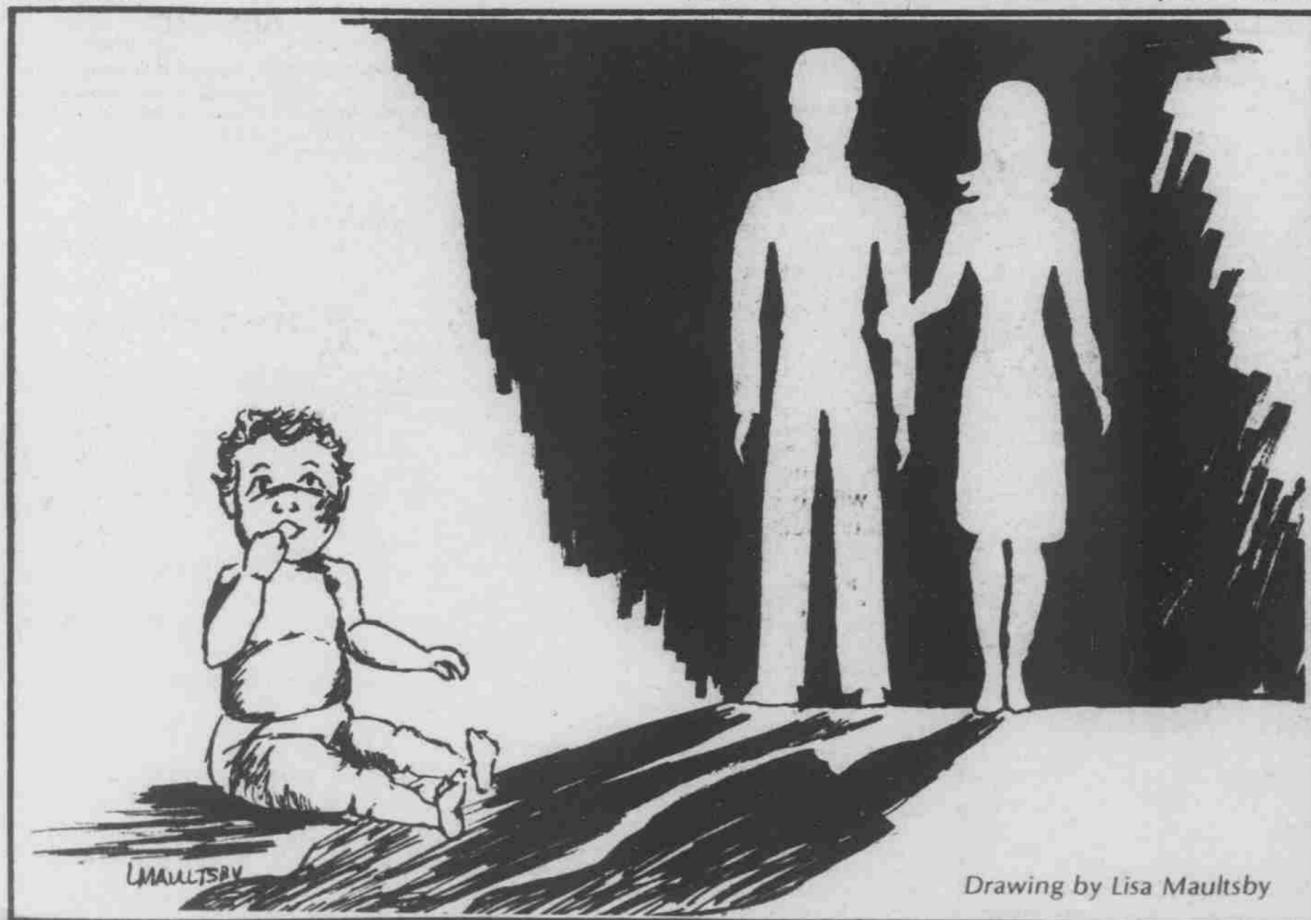
This concept was modeled after the first federal legislation concerning adoption, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978. HEW's Model Adoption Act, as it is titled, was presented to the states as a prototype which could be used by the individual states according to their particular needs. "Adoptees have the right to search for their biological roots," said Rodney Klein, an adoptee and member of the Adoption Exchange in Baltimore. "I'm concerned with these individual rights of the adoptee and access to my own natural background. Adoptees are not a bunch of neurotics seeking out parents. They are seeking their past history."

Rose is 19 and a freshman at UNC. She has two older brothers and a younger sister. All of the children in Rose's family were adopted from different families.

"I know who I am. I am my own person," Rose said. "I feel stable enough as an individual, whereas some people may have overromanticized views of their real parents. I simply want to acknowledge this fact (her real parents) in my life."

"My natural natural mother carried me for nine months," she said. "She cared enough to carry me. She went through that kind of hell to give me up. I'm sure she wonders if she did the right thing."

Like many adoptees, Rose wonders what she and her natural mother may have in common. "Does she feel the same things I do about certain experiences? What was she like when she was in college? All I have is sketchy information which the agency told my parents (adoptive parents)," Rose said. "I have a relationship to



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Drawing by Lisa Maultsby