

In adoptions, anonymity is still the policy

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If this bill could sing, it would likely belt out "I'm Just a Bill," a song from the mid 1970s kids' TV show "Schoolhouse Rock!" In the song, a tired bill slumped on the steps of Capitol Hill laments its arduous journey on the way to becoming a law.

Starting as early as 1980, a proposed state law that gives adopted adults the right to access their birth records has traveled – in various versions -- through both houses of the Legislature, only to die along the way.

But this year looked hopeful.

Last December the state Senate passed a version of the bill, in a 26-12 vote, shifting its fate to the General Assembly, where it was scheduled to be heard by the Human Services Committee on May 21. But it stalled there.

"The emotional content of this bill makes it very difficult to get through," said Albert Burstein, a former assemblyman from Bergen County who sponsored a version in 1981. "I compare it only with the debates about abortion -- it's that incendiary of a topic."

Adoption advocates and lawmakers who support opening birth records say that what is at stake is the basic right of persons to know their true identity and have access to family medical histories, impacting future health decisions.

Opponents say the privacy of birth mothers -- many of whom were promised anonymity at the time of adoption -- will be violated.

It's the right to be left alone, up against the right to obtain personal identifying information.

A 1940 state law sealed adoption records, including original birth certificates. Instead, adoptees received an alternate birth certificate bearing the adoptive parents' names, their new birth name and place of birth.

"The sealed records system puts a lifetime restraining order on adopted people," said Pam Hasegawa, an adoptee and spokeswoman for the New Jersey

Coalition for Adoption Reform and Education.

Opposing the most recent version of the bill was an unlikely coalition of advocates: the state bar association; the American Civil Liberties Union; the Catholic Conference, an anti-abortion group; and a national group that represents adoption agencies.

An anonymous birth mother who is a spokeswoman for the opposition said in a recent phone interview that as a pregnant, unmarried college student, post-Roe v. Wade, she decided to place her baby up for adoption based on the expectation of privacy.

Married today with a family, she does not desire contact with the adopted child, nor is she ready to share her past with her children. "I want the option of making the decision. I don't want the decision to be foisted upon me," she said.

The current bill (A. 2557 and S. 1087) gave birth parents the right to request non-disclosure, blocking out the birth parents' names and address on the birth certificate. As a condition of non-disclosure, birth parents would have been required to submit a family history form providing medical, social and cultural history.

Pregnant at the age of 17 in 1960, Judy Foster placed her daughter for adoption through Paterson's Catholic Charities. Following the advice of the nuns and priests at the time, said Foster, she tried her best to put the experience behind her and never talk about it.

Private eye

Foster, who today lives in Dover in Morris County, said she always hoped her daughter would try to contact her, but she was reluctant to initiate a search. Finally in 1988, Foster hired a private investigator, who tracked her down.

Their reunion was a happy one, but Foster learned that her daughter never attempted to track her down.

"Neither of us felt we had the right to search," said Foster. "She felt she was infringing upon my life."

Reuniting with her daughter – who is now married with children -- has been healing.

"I really feel I've been made complete by coming out of the closet so to speak," she said.

Recent research on birth parents who relinquished children in closed adoptions says a significant number struggled and continue to struggle with unresolved grief, according to a report released by the Evan B. Donaldson Adoption Institute, a national nonprofit. The primary factor in bringing peace of mind, says the report, is knowledge about the child's well being.

Closed adoptions are a relic of the past. Today a majority of the 14,000 annual domestic adoptions are open, with many birth mothers and adoptive parents

meeting. In earlier generations the common profile was of an unwed teenage mom sent away in secrecy to give birth. Today, only about a quarter of birth moms are under 20, according to the adoption institute.

After the Senate bill passed in December, advocates from both sides met for final negotiations, in hopes of fast-tracking it through the General Assembly.

Following intense meetings with advocates from both sides, the bill looked promising, said Assemblyman Joseph Cryan, Human Services Committee Chairman, because "both sides were a bit unhappy," he said.

On May 21, Cryan said he was ready to post the bill for a vote on the Assembly floor.

But a hearing scheduled before the Community Affairs Committee was canceled at the last minute.

The recent round of amendments was unacceptable, said Louis M. Manzo, D-Hudson, a sponsor, explaining the halt. "It cut far into the civil right of those looking for birth certificates; they were treated like second-class citizens," said Manzo.

Manzo said he might try to have the bill looked at again after the November elections, but Cryan was not optimistic about its chances.

In the popular kids' song that taught us how the legislative process works, the distressed bill finally lands on the president's desk, and is signed into law. But the fate of this one -- and that of adoptees -- remains unknown.

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