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Judicial Proceedings Committee

Joint Committee on  
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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 25, 2020

Senate Judicial Proceedings Committee

**Senate Bill 743 – Adoption – Access to Birth and Adoption Records and Search, Contact and Reunion Services**

Senate Bill 743 ensures that adoptees born in Maryland have access to the same basic vital records and information about their origin as any other person. Technology has caught up to any privacy concerns that might have previously existed, and the state should provide a dignified process to obtain one of the most important government documents about you. Not everyone wants to contact their birth parents, but nearly everyone we have spoken to wants their birth certificate.

There was a modification of this law about 20 years ago, when adoptees pushed for more access to their family history, which created a process with an intermediary and a veto against the reunion process. If you were born before 1947, there were no limitations on access to your birth certificate, but if you were born in between, it might be impossible to get access to your original birth certificate. This date-based discrimination is arbitrary and our bill eliminates the date-based approach in favor of an unrestricted right for all adult adoptees to obtain their own birth records. States as politically diverse as New York to Alabama to Alaska to Oregon have already taken this step, and it is time Maryland do the same.

Current law also allows a biological parent or an adoptee to file a disclosure veto that bars the disclosure of information about the parent or adoptee in a birth or adoption record, we do away with that veto power and replace it with a contact preference. The sealing of birth certificates was never meant to ensure permanent secrecy, and even if it was, that secrecy has been wholly undercut by technological changes. The social workers who previously raised objections to changing this policy, have now relented because of the technological realities of the 21<sup>st</sup> century.

To rely on the “what about the privacy of the birthmother” response when this issue is raised is to ignore the fact that inexpensive DNA testing, like 23andMe, render any perceived yet unenforceable privacy promise of the birthmother essentially impossible. Given that reality, our current law stands as a barrier to adoptees claiming their full identity for the sake of protecting a privacy that does not, in fact, exist because the document relates to that individual themselves.

Our bill also recognizes that the age at which an adoptee should have access to their vital records should be the same as the age of majority; therefore, we lower the age requirement to request an original birth certificate and other vital records from 21 to 18. If the committee wants to revisit the age of majority, I would be happy to consider a higher age here as well. It is important for younger individuals to have access to information that might help them to more early detect hereditary diseases. Insurance companies provide access to genetic testing if you have a family history, but adoptees don’t know if they have a family history and are not routinely afforded these tests under their plans.

Birth records belong to the birthed, not to the parents of the birthed. With no group other than adoptees does the government give a permanent right to the parents of a child to seal vital records once that child comes of age. Privacy is important, and my driving force this session, but human dignity is paramount and access to one’s own documents does not violate the principle of privacy. The government should protect our privacy, but they shouldn’t protect our own access to our private information such as original birth certificates. With technological advances, there are no remaining rationale against enacting this legislation.

For all these reasons, I respectfully urge a favorable report on SB 743.