

Opening the Sealed Record in Adoption— The Human Need for Continuity*

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DOES the possibility that adoption records may be opened to enable adult adoptees to search for their birth-parents open up a Pandora's box? Adoptive parents, who have been doing the parenting, are fearful that they may lose their children to the birth-parents. Adoptees are insisting that they have a right to information about their background, a civil right, they believe, which should be granted to all adoptive persons when they reach the age of 18. Birth-parents who relinquished their rights when their children were placed for adoption may see this as an invasion of their privacy. They are the most vulnerable and the least prepared for the consequences that may result should the sealed records be opened. The issues confronting us are complex and extremely sensitive ones, that touch deeply upon the lives of many millions of people. We must, therefore, examine our current policies so that we can develop appropriate services that respond to these emerging needs.

The following letter, appearing in *The Family Tree*, a publication of the Vista Del Mar Adoption Guild, presents the feelings of an adoptive mother about the possibilities that her adopted child may wish to search for his birth parents:

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The question of whether adoption records should be sealed or open to adults who were adopted as children has recently become a "hot" issue. Those in favor of open records cite parents who have adopted as an obstacle; those opposed to open records give parents who have adopted as a reason.

As a parent who has adopted, I take issue with both sides. It is true that our son came to us through adoption, but it is the relationship and love that have developed that makes him our son and us his parents. The relationship will continue and grow until he becomes an adult. Then it will be time for us, as for all parents, to recognize that our son is a unique, individual adult in his own right.

I cannot say whether or not he will have deeply disturbing questions about the people whose genes gave him life, his physical appearance, and possibly even his potential. I can only be prepared to give him honest answers to his questions as he grows. If he does have questions when he reaches adulthood, I hope that somehow he can find answers that will give him peace of mind. It will be a decision that he, as a unique individual, must make.

I will not feel threatened or hurt if he should decide to seek out his birth-parents. When he became our son, we wanted no guarantees that he would accept us forever with never a thought of the people who gave him life. We only wanted to love him and have the privilege of sustaining and nurturing that life. He has another "mother" somewhere, but I am his Mother. He will have no memories of her—she was not there to comfort him when he was sick, she was not there when his fingers were slammed in the door, she will not be there for his first day of school or for his graduation.

Even if our son should some day meet his birth-parents, why should we feel threatened? If he should become friends with them, or grow

to love them, it would not diminish the relationship that we share with him. Love for one individual does not diminish because we also love another individual. If knowing and loving his birth-parents would give our son more security and happiness, we would welcome the opportunity for him. We love him—his happiness will make us happy.

A letter from a 21-year-old adoptee, hoping that the doctor who delivered her would forward it to her birth-mother, highlights the problems facing some adoptees. The letter states:

Dr. Smith must have explained to you who this letter is from. I'm Jennie.

This is the most difficult letter I've ever written. If it's awkward and hard to understand please forgive me. My twenty-first birthday finally came and now after waiting all my life to find out all about you, I don't know what to say or do. I don't know how it has been for you. But for me, being adopted has meant many things.

It's fun because it gets attention, painful because of all the unanswered questions. And wonderful because I have such a beautiful family. I love my family as much as anyone can if not more, and I am always aware of how fortunate I am to have them, but in the background, I have always known you were there—somewhere.

I am so curious about my heritage, who you are and who my natural father was.

I don't want to bring back memories, that may be painful for you. But if you could please write to me and tell me things, like your birthday, his birthday, where you both were from, how you met, what happened to him, what was his name; if I could only see pictures of you all. There are so many missing pieces, things I've always wanted to know. The Jones family is so proud of their heritage. I look in the family albums and see the resemblances of the faces of the mothers and daughters. Then I look at my girl friends and see the images of their mothers in their eyes. It has always intrigued me.

I wonder if I look like my natural father. There just isn't too much you could tell me. If you could even loan me some pictures, I promise to return them.

I am living in Inglewood right now. I live with my friend Joan, my dog Alice, cat Sadie, my bird Cici, my fish Ginger Rogers.

Within the next month or so I'll be moving. I want to go back to school so I'm moving home before I go back to college. I'd like to meet you before I leave.

I'm afraid, I don't know how to relate to you. I'm grateful to you and I'm curious about you and your family, but, I don't know what to think of you. It's strange to think I have another Mother, someone to whom I owe my existence, but who really isn't a mother.

My true mother is the woman who raised me and cared for me. And I love her very much. Right now I'm so confused with who I am and what I should do with my life that I wouldn't know how to feel toward you. But I do want to hear from you. Would you please write to me? If you like I will write again and tell you anything you want to know about me. I hope I have not hurt you or intruded too far into the past. Thank you for giving me the most beautiful gift of all. LIFE.

Does an adoptee, such as the 21-year-old girl who wrote the letter above have the right to identifying information about herself that may lead to a reunion with her birth-parent(s)? If so, what are the implications of this for adoptive parents, birth-parents, adoptees and all those in the helping professions who are being called upon to provide answers to the very complex and far reaching issues involved.

This article deals with a brief historical review of the sealed record in adoptions, examines the positions of advocacy groups on behalf of the adoptee, and reports upon the results of data gathered from adoptees, adoptive parents and birth-parents, that speak to some of these issues.

Adoption legislation in the U.S. has always been enacted at a state level with a great deal of individual variation and interpretation. In general, the 50 states provide the adopted child with the same basic rights as a natural child to protection, maintenance and education from his parents. It is generally accepted that the finality of the legal termination of the birth-parents' rights and responsibilities, along with closed identification of the parties involved, is a protection to the child, the natural parents and the adoptive parents. The adoptive parents are assured of privacy and a lack of interfer-

ence from the natural mother while the natural mother is given the opportunity to make a new life for herself.

Beginning in the late 1940's, laws were passed in most of the states keeping information identifying the natural parents confidential and available to adult adoptees only through special court order. At the present time only Alabama, Arizona, Connecticut and Kansas do not keep the records completely sealed.¹ The policies are quite different in Scotland and Finland, however, where the adult adoptee has access to official records and information that could lead to the tracing of the original parents. In Scotland, for example, any person over the age of 17 can write to or visit the Register House in Edinburgh and, on production of evidence about himself, ask for a copy of his original birth certificate.

One of the original purposes of the sealed record was to protect the child from the stigma attached to his illegitimate status. This was further accomplished by providing the adoptee with a new birth certificate containing only the names of the adoptive parents. In recent years some states have added the word "amended" to these birth certificates to indicate that they have been altered.

The adult adoptee has the legal recourse to petition the original court that handled the adoption and ask for the records to be unsealed. The courts are generally conservative regarding such matters and will open the records in unusual cases where matters of health, property inheritance or other such practical issues are at stake.

The Adoptee Activist Movement

Challenging this concept are two adoptee activist organizations. One was

pioneered over 20 years ago by Jean M. Paton, an adopted social worker, who searched and found her original mother when she was 47 and her mother 69. Since then she has written and lectured on the subject,^{2,3} and heads an organization called *Orphan Voyage* with its main office in Cedaredge, Colorado. She has suggested the concept of a "reunion file" whereby information could be kept recorded on adopted children and their natural parents. The natural mother would have regular access to unidentifiable information as the child was growing up. When he reached adulthood a reunion could be arranged if either party initiated a contact and both sides were agreeable.⁴

Probably the most publicized and active worker in the adoptee activist movement is Florence Ladden Fisher, a New York housewife, who recently founded a group called the *Adoptees' Liberty Movement Association* (ALMA) which is opening branches across the country. The organization is devoted to repealing the present laws, helping adoptees find their natural parents and providing information to natural parents who have previously given their children up for adoption. Fisher sees the sealed records as an affront to human dignity and views the adoptee's need to know his hereditary background as a necessary part of identity formation. She describes the sense of loss and grief of the "anonymous person." She does not see why the search for the natural parents should be construed as a rejection by the adoptive parents and alleges that the outcome can actually result in a closer

² Jean M. Paton, *The Adopted Break Silence*, Life History Study Center, Acton, California, 1954.

³ Jean M. Paton, *Orphan Voyage*, Vantage, New York, 1968.

⁴ A bill recently introduced by Assemblyman Keene (AB3320) in the California Legislature, sets up an Adoption Exchange whereby adult adoptees and birth-parents may indicate their interest in reunions.

¹ Barbara Prager and S. Rothstein, "The Adoptee's Right to Know His Natural Heritage", *New York Law Forum*, Volume XIX, No. 1 (1973), pp. 137-156.

relationship within the adoptive family. She also points out that the adoptee is not necessarily seeking to develop a relationship with the natural mother and in no way is trying to disrupt the life she has subsequently built for herself.⁵

Fisher is also an adoptee who spent over 20 years searching for her natural parents after the death of her adoptive parents. In her recent book⁶ she describes in vivid detail her own emotional turmoil and identity crisis which she feels resolved itself with the reunion she accomplished with both her natural mother and natural father. In the subsequent years she has developed a very close relationship with her father, but a more tenuous relationship with her mother.

There is great concern today among adoption workers and agencies that there will be a greater number of adoptees returning for identifying information as a result of the support and reinforcement provided by ALMA and the news media. Some agencies have occasionally agreed to mediate in a reunion between an adoptee and his natural parent when both parties have been mutually agreeable. In some of these cases the initial request was made by the parent and not the adoptee. Most of the consummated reunions have not been arranged by a third party, however, and come about after years of emotionally draining searches that may cover one end of the country to the other. It is the aim of ALMA to assist these determined individuals to achieve their end with less frustration and trauma.

Responses to a Newspaper Article

An article that appeared in the *Los Angeles Times*⁷ brought our research

⁵ Florence Fisher, *The Search for Anna Fisher*, Arthur Fields, New York, 1973.

⁶ *Ibid.*

⁷ Lynn Lilliston, "Who Am I? Adoptees Seek Right to Know," *Los Angeles Times*, July 22, 1973, Part 10, pp. 1, 14-17.

interest in the "sealed records issue" to the attention of a large population center and requested that interested readers write and describe their own personal experiences and reactions. As a result of the article's appeal a large number of letters were received representing, or sampling, responses, of the three parties making up the adoption triangle, with the preponderance coming from the "hidden" birth-parent group. Questionnaires regarding the attitudes towards the sealed record were mailed to all those who provided forwarding addresses and arrangements were made for intensive interviews with those adoptees and birth-parents who had already experienced a reunion.

The Birth-Parents

The result was a beginning investigation of the feelings and attitudes of birth-parents years after they had relinquished their child. This challenged the traditional concept of adoption which had terminated definitively, through the sealed record, the ties between the adoptee and his birth-family. The birth-parent has been the mysterious "hidden" parent around whom the adoptee and the birth-parents have been able to weave fantasies of a positive or negative nature. This anonymous individual also has been the indirect cause of many intrapsychic conflicts and interpersonal tensions, particularly between adolescent adoptees and their adoptive parents.

The open and cooperative response of the birth-parents, especially mothers, to the newspaper article was very enlightening. Many of the 47 who responded seemed to want to come out of "hiding" in order to express very personal feelings and attitudes. There was an implication that the giving up of a child for adoption is an indelible, traumatic ex-

perience. Many of these birth-parents seemed to be existing at two levels: functioning well within marriage, family or parenting, but harboring deep emotional feelings and sharp memories of the bearing and relinquishing of a child.

A large number of the birth-mothers expressed a desire to share current information about themselves with their child and to receive periodic reports on his welfare. As a group, they seemed responsive to their children's needs and a majority would be responsive to a reunion if it would be helpful to the adoptee. Most of them expressed a reluctance to intrude upon or disrupt the lives of their child or the adoptive parents. They expressed gratitude and appreciation to the adoptive parents for caring for and raising their child. Very few of the birth-parents expressed any interest in pursuing a reunion, themselves, with their adopted child. This is not to say, however, that there are not a number of mature, well meaning birth-parents who would like to have a reunion with their child for mutually beneficial reasons.

The majority of birth-mothers conceived their child out-of-wedlock. In previous generations this act may have had more of a tendency to present a symbolic acting-out of inner conflicts than it does at present. The trend towards removing the stigma of the unwed mother may also make it easier for some of the older birth-mothers to come forth and share their feelings about their adoptive experience and subsequent life more openly, which would add greatly to our knowledge of adoption dynamics. These changes in societal attitude may also make it easier for birth-mothers to accept more readily the prospects of a reunion with their child, especially if the present laws which keep the adoption records sealed are repealed.

We recognize that definitive conclusions cannot be drawn from a relatively small number of letters. The very fact

that they responded indicates a sense of responsibility, maturity and concern on their part.

The Adoptive Parents

Approximately 170 adoptive parents, representing several adoptive parent groups, participated in group sessions at which the controversy over the sealed record was discussed. In addition to this, 12 adoptive parents responded to the newspaper articles. As a group, the adoptive parents seemed to bear an irreversible scar: infertility and its psychological sequelae. They also seemed to be overprotective parents. These tendencies are also reflected in their reaction to the adoptee activist groups and the prospects of change in adoption policy. Many fear that a liberalization of the sealed record laws would lead to a loss of their adopted child to the birth-parents, even though there is no evidence at present to back up this feeling. It would appear that this anxiety represents a resurgence of the old pre-adoption childless feeling of failure, deprivation, separation and loss. Many adoptive parents also view any interest by their children in their birth-parents as an indication that they have failed as parents.

Adoptive parents are extremely protective when it comes to looking at the prospects of their children encountering their birth-parents. They express concern about their children being hurt by a reunion and are opposed to birth-parents initiating a reunion with their children. On the other hand, they feel a great deal of empathy and concern for the birth-mother and feel it is wrong to disrupt her life by allowing their child to seek a reunion with her. The adoptive parents are usually reassured, somewhat, when they realize that the adoptee activist groups advocate a change in the present laws to affect only emancipated

adult adoptees, and not children or adolescents.

The Adoptees

It would appear that very few of the 22 adoptees who responded to the newspaper article were provided with enough background information to be incorporated into their developing ego and sense of identity. This is often not the fault of the adoption agency, but frequently because of a reluctance on the part of the adoptive parents to impart known information, especially of a negative nature, which might hurt the child. The adoptees are often reticent to ask genealogical questions because they sense their parents' insecurities in this area. The desire for background information is ubiquitous to all adoptees but can become a burning issue for some, simply because they have bright, curious minds and approach all of life's mysteries in the same manner. This may have nothing to do with the quality of the adoptive relationship.

Many adoptees are preoccupied with existential concerns and a feeling of isolation and alienation due to the break in the continuity of life through the generations that their adoption represents. For some, the existing block to the past may create a feeling that there is a block to the future as well. The adoptee's identity formation must be viewed within the context of the life cycle in which birth and death are closely linked unconsciously. This becomes evident when we observe how frequently marriage, the birth of the adoptee's first child or the death of his adoptive parent triggers off an even greater sense of genealogical bewilderment.

This is not to say that there aren't adoptees who have an obsessive need to search for their birth-parents because of neurotic problems stemming from an emotionally barren relationship with

their adoptive parents. Some of these persons are perpetual searchers, always stopping short of a reunion. It is the search itself, and the associated fantasies, which is the significant process that serves to hold these persons together. It would appear that these individuals would almost prefer to live with their fantasies, a prolongation of the classic family romance theme, rather than face reality with a possible disillusioning reunion with the birth-parent. The obsessive preoccupation serves to repress from consciousness feelings of profound loneliness and depression.

It is also important to distinguish from these other situations, a special form of quasi-searching. We are referring to the adolescent adoptee who goes through a period of threatening his parents with the idea of going off and searching for his birth-parents. This is actually a typical example of adolescent acting-out which is no different from the non-adoptee threatening to run away or move into his own apartment. The adoptive parents are especially vulnerable to such threats and often over-react with intense fear or anger, which only serve to reinforce their youngster's manipulative powers.

There are many reasons why an adoptee feels a need to search for more information on his birth-parents or to seek out a reunion, in many cases the true purpose remaining unconscious. We have classified the reasons for searching into the following categories: a) medical necessity or other practical considerations; b) genealogical curiosity; c) a fantasy of being reunited with the idealized "good parent," often as a result of a poor relationship with the adoptive parent; d) the late revelation of adoption with resulting bewilderment and confusion; e) a need for a love object to counter feelings of loneliness and depression; and f) the desire to replace an object lost through illness or death.

Reunion Cases

We were able to study the outcome of reunions between adult adoptees and their birth relatives in 23 cases, of which 11 were selected for intensive study because they represented cases of individuals adopted by non-relatives in early childhood. In the sampling there were also 3 cases of birth-mothers who had initiated a reunion with their previously relinquished child.

Concentrating on the 11 "pure" adoptee reunion cases we found that the mean age at the time of the reunion was almost 32. Eight out of the eleven were women and the majority of the entire group expressed a primary concern in finding the birth-mother with a lesser interest in siblings and the father. There was a trend in this group for a late and disruptive revelation of adoption. Four out of the eleven did not find out about the adoption until after they were 10 and two of them didn't find out until they were 29 and 30. Seven out of the eleven were very upset at the time they learned about their adoption. Seven out of the eleven reported a poor relationship with their adoptive mothers and the majority of the group were given very little, to no background information about their birth-parents. It is also interesting that seven of the adoptees were only children in the family.

In spite of the rather negative picture of their adoptive families, most of the group seems to have made an overall healthy adult adjustment. Eight out of the eleven were adjudged in the interview as having a positive self-esteem. They were very sensitive to their adoptive parents' feelings and in only three cases were the adoptive parents upset and hurt by the encounter. In four of the cases the reunion led to a meaningful lasting relationship with the birth-mother.

In some cases the adoptees were disillusioned and disappointed in their birth-relatives. In a few cases they found themselves in the uncomfortable position of having to detach themselves from a birth-mother who desired a closer relationship than they were interested in. Nine of the group felt that they had personally benefitted from the reunion, no matter what the outcome was. Their curiosity was satisfied and unknown mysteries were resolved which allowed them to feel more "whole" and integrated as individuals.

Judging from our few cases of birth-mothers who initiated the reunion, it would appear that such experiences are more difficult for the adoptee to handle. Perhaps this is because he hasn't had the opportunity to do the necessary psychological working-through to prepare him for such an encounter as in the case of the adoptee who has been searching for his birth-parents for a number of months or years. We also studied one case where the reunion was arranged by a third party, rather than as a result of the adoptee's own primary interest. As might be expected the adoptee reacted with a kind of indifference, as if she was meeting a total stranger she had nothing in common with.

We can anticipate that there will be an increase in the number of reunions in the future. The publicity on the subject in the media will undoubtedly enable those individuals, who previously felt unique in having these interests in their birth-parents, to mobilize their suppressed efforts and begin searching. The assistance of the developing network of adoptee activist groups will also lead to more efficient means of searching and accomplishing reunions. There is also an increasing tendency for adoption agencies to "bend the rules" and act as a mediator or negotiator when both parties are agreeable to a reunion. Changes in state laws governing the sealed rec-

ords, may also result in an increase in those searching for one another.

The sealed record is expected to be tested soon by the courts as a civil rights issue. Adoptive parents, adoptees, and birth-parents were queried as to their attitudes regarding any possible change in adoption policy. The adoptees and birth-parents were inclined to a liberalization of the existing policies but the adoptive parents were more resistant to change. All three groups seemed to like the idea of mediating boards being established to investigate and evaluate the feasibility of proposed reunions. This was not without controversy, however, as some of the adoptees and birth-parents viewed the mediating boards as still another opportunity for outside parties to control their destinies, which they feel has been the problem all along.

Significance for Jewish Families

We do not know whether these issues have special significance for Jewish families. We do know that there is historical evidence that these questions have been discussed. Norman Linzer in *The Jewish Family* draws upon the Halacha to show that Jewish law was concerned with these problems. They state:⁷

1. An adopted child may legally assume the name of the adoptive family, but retains his original status as a Kohen, Levi, or Israel.

2. The adoptive father is required to have the child circumcized, an obligation which is transferred to him from the Bet Din (Jewish Court).

3. An adopted child is required to respect and honor his new parents, though only rabbinically. Biblically, he is always bound to honor his natural parents. The laws of mourning apply only to the death of natural relatives.

⁷ Norman Linzer, *The Jewish Family*, Commission on Synagogue Relations, Federation of Jewish Philanthropies of New York, 1970, p. 80.

4. An adopted person may enter into a marriage with a member of his adoptive family, for no blood relations exist between them.

5. The new parents are obligated to provide for the sustenance, medical needs, religious and vocational training of the child. However, the adopted child does not automatically inherit their estate unless this was clearly stipulated.

6. An adoption constitutes a legal agreement which has the force of a solemn pledge. Accordingly, the new parents cannot renounce the child without his consent. On reaching adulthood, he cannot legally be restrained from rejoining his natural family, though this would be gross ingratitude on his part.

Implications for Future Consideration

We do not view our project as completed in any sense. It is only in the pilot stage and, at best, can provide some preliminary observations and impressions.

The study is obviously hampered by the dependence upon persons showing enough concern and interest to volunteer to participate in the study. We do not feel that we have the moral or ethical right to impose ourselves on these people for research purposes, as we have an obligation to maintain the privacy and confidentiality agreed upon at the time of the adoption. We feel that these obstacles should not act as an impediment, however, to efforts to clarify issues of great concern to millions of people.

In this respect, we believe that adoption agencies should begin to re-evaluate their position in regard to the "sealed record." The premise that has governed the philosophy and practice in the field of adoption has been that the relinquishment of the child by his birth-parents permanently severs all ties between them and the child. Although the present standards of anonymity were developed as a safeguard to all of the

people involved in adoption, they may, in fact, have been the cause of insoluble problems. In re-examining past practice and in considering emerging needs, adoption agencies should address themselves to the following:

1. A recognition that many birth-parents, particularly birth-mothers, have not resolved their feelings about relinquishing for adoption a child whom they have been told they can never see again. Many may have a life-long unfulfilled need for further information and in some cases for a contact with the relinquished child.

2. A recognition that adoptees may feel a greater lack of biological connection and continuity than has been, heretofore, accepted. These feelings of genealogical bewilderment should not be dismissed as occurring only in maladjusted or emotionally disturbed individuals. The degree to which an adoptee is able to resolve questions about his identity, without having more complete information about his birth-parents and without the opportunity of a reunion, should be studied.

3. A recognition that the aura of secrecy may have been more of a burden than a protection to adoptive parents. On the one hand, adoption agencies

have insisted that adoptees be told early and clearly about their adoption. Yet, on the other hand, little help has been provided to adoptive parents in dealing with the complicated feelings arising out of their adoptee's dual identity, nor have they been educated to understand and to disassociate themselves personally from their child's genealogical concerns and curiosity. Open access to information and the ability for the adoptee to consider contact with his birth-parents at maturity could create a more wholesome environment for parent and child.

4. A re-evaluation of the concept of confidentiality which served a purpose when the children are young, but which needs to be seen in a dynamic, changing concept as it pertains to adults with adult rights and adult needs.

5. A recognition of the need to set up procedures within adoption agencies to meet these new challenges. The role of the agency as intermediary among adoptee, birth-parent and adoptive parents is a most important one and it should be considered in a new creative way.

6. A recognition that the agencies have a responsibility to share with the legislature their own wealth of experience and to make recommendations in order to bring about changes in the present state adoption laws if they seem indicated.