

## Adopted Persons' Access to Their Adoption Records

This IPRO report examines the process adopted persons must complete to access their adoption records. Specifically, this report reviews various state laws addressing access to adoption records and the systems states commonly use to aid adopted persons and birth parents in locating and contacting each other.

The majority of the information referenced in this report was gathered from the Child Welfare Information Gateway Report compiled in 2006. The Child Welfare Information Gateway is a service of the United States Department of Health and Human Services.

### Types of Information on Record

Access to identifying information is restricted. Identifying information refers to the name of the birth parents, their last known address, and any other contact information on file. Most states require a court order establishing "good cause" before identifying information may be released. Although good cause is at the discretion of the judge, common reasons include demonstrating the release of information would be: in the child or public's best interest, of greater benefit than non-disclosure, or necessary for medical reasons.<sup>1</sup>

In most states adopted persons can access non-identifying information at a certain age (18 or 21).<sup>2</sup> Additionally, some states allow adult birth siblings access to non-identifying information.<sup>3</sup>

Non-identifying information, according to the Child Welfare Information Gateway, includes:

- Date and place of birth
- Age of birth parents and physical description of the parents
- Race, ethnicity, religion, and medical history of birth parents
- Education of birth parents and occupation at the time of adoption
- Reason for placing the child up for adoption
- Existence of other children born to each birth parent<sup>4</sup>

### Original Birth Certificates<sup>5</sup>

After an adoption is finalized, adoptive parents are provided with a new birth certificate for their adopted child. The original birth certificate is sealed by the state. According to the Child Welfare Information Gateway's 2006 report, 29 states, including Iowa, required a court order to

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<sup>1</sup> Access To Adoption Records." *Adoption Advisory Inc.* Web.  
<<http://www.adoptadvisory.com/news02.asp>>.

<sup>2</sup> Only adopting parents can access non-identifying information in California, Idaho, Nevada, and New Jersey. United States. Department of Health and Human Services. Child Welfare Information Gateway. *Access to Adoption Records: Summary of State Laws.* State Statute Series.  
<[http://www.childwelfare.gov/systemwide/laws\\_policies/statutes/infoaccessapall.pdf](http://www.childwelfare.gov/systemwide/laws_policies/statutes/infoaccessapall.pdf)>

<sup>3</sup> States that allow access to adult birth siblings include Arizona, Colorado, Michigan, Mississippi, Montana, New Mexico, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Utah, and Vermont.

Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

unseal adoption records. In recent years, a number of states have taken action to make this process easier. Some states have allowed for the release of the original birth certificate when certain conditions are met. A sampling of these conditions includes:

- receipt of a court order from both parties
- a request of the adopted person
- when the birth parent's consent is on file
- when adopted persons have established their eligibility through the state's adoption agency.<sup>6</sup>

## **Mutual Consent**

Some states will release identifying information when both parties consent. States often use mutual consent registries and/or search and consent procedures to match consenting individuals.

*Mutual Consent Registries* require both the adopted adult and birth parent(s) to register and consent to the release of their information before a match can be made.<sup>7</sup> In situations where consent is mutual, a match is made and both parties are notified. Parties must be aware of the registry in order to use it and lack of awareness may keep many parties from being united. Mutual consent registries have been established in 29 states.<sup>8</sup>

*Search and Consent Procedures* authorize a public or private agency to assist individuals in finding their birth family members. Some states use a confidential intermediary system where an individual, called a confidential intermediary, is sanctioned by a court to access sealed adoption records to conduct a search. The intermediary contacts either the birth parents or adopted person confidentially and asks for their consent to release contact information.

## **Access to Adoption Records in Iowa**

Chapter 600 of Iowa Code states adult adopted persons of age 21 or older can request access to medical records as long as no identifying information is released. Such requests are directed to the Clerk of Courts in the county where the adoption took place. In order to access sealed adoption records that contain identifying information adopted persons must petition the court and establish "good cause."<sup>9</sup> However, adoption records sealed before July 1, 1941 may be opened without proof of "good cause."<sup>10</sup>

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<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> States that use Mutual Consent Registries: Arkansas, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Michigan, Missouri, Nevada, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, and West Virginia.

Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> "Accessing Adoption Records." *Iowa Department of Human Services*.

<[http://www.dhs.state.ia.us/Consumers/Child\\_Welfare/Adoption/AdoptionRecords.html](http://www.dhs.state.ia.us/Consumers/Child_Welfare/Adoption/AdoptionRecords.html)>

Iowa maintains a Mutual Consent Voluntary Adoption Registry to assist adopted persons, birth parents, and blood-related siblings attempting to contact one another. A \$25 fee and certified copy of the applicant's birth certificate must be provided with each consent application.<sup>11</sup>

### **Access to Adoption Records in Other States**

A detailed analysis of individual state policies regarding access to adoption records and programs designed to aid adopted persons and birth parents in search of each other can be found at:

[http://www.childwelfare.gov/systemwide/laws\\_policies/statutes/infoaccessapall.pdf](http://www.childwelfare.gov/systemwide/laws_policies/statutes/infoaccessapall.pdf)

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<sup>11</sup> Ibid.