

An Act granting equal access to original birth certificates to all persons born in Massachusetts

H. H.2294 (Rep. Garballey, Rep. Hogan)

S.1440 (Sen. Gobi)

Frequently Asked Questions

Why do we need to amend MA law?

It is human right to have a record of one's birth.

Current Massachusetts law denies this basic human right to adopted persons born in Massachusetts between July 17, 1974 and January 1, 2008.

Adopted persons born in the "gap years" should have the same human right as all other people born in Massachusetts.

Don't adopted people have birth certificates?

Yes, but their birth certificates are amended at the time of adoption. The names of the birth/first/original/natural parents are deleted, and replaced by the name(s) of adoptive parent(s). The adopted person's original name is deleted, and replaced with the name chosen by the adoptive family.

Were birth parents promised confidentiality?

Opponents of this bill will claim that birth parents were promised confidentiality and that this bill would break that promise. In reality, birth parents names could never be fully protected.

An adopted person can petition the court to get his or her identifying information. Many adoptees have used the Internet to search and have found their birth parents.

Not one surrender document (in Massachusetts or any other state) has ever been produced that indicates that birth parents were promised confidentiality.

Birth parents who relinquished their child before 1974 clearly knew identifying information would be available to their adopted child when they turned 18 years of age.

Original birth certificates are not altered until the time of adoption; if there is no adoption, identifying information about birth parents who relinquished parental rights, or whose rights were terminated, remains unsealed and accessible.

Would this bill open adoption records?

No. This bill simply allows all adopted persons equal access to their original birth certificates, regardless of the years of their birth. Access to adoption records is governed by M.G.L. Chapter 210.

What do you say to people who think there's a connection between access to birth certificates and rates of abortions?

Opponents make false claims that access to birth certificates results in increased abortions. In fact, states that allow adoptees to access their birth certificates, the abortion rate is generally lower than the national average, while adoption rates are higher.