



Illinois law opens access to biological parents

By [Mark Wilson](#)

Posted November 12, 2011 at 5:08 p.m.

EVANSVILLE — An change in Illinois law is expected to throw open the doors this week for adoptees to obtain the names of their birth parents in that state.

When adoptions are final it is customary to issue a new birth certificate to the adoptive parents and seal the original birth certificate, which is kept confidential by each state's vital records registrar.

"Adopted persons will now be able to apply for an original birth certificate," said Melaney Arnold, spokeswoman for the Illinois Department of Public Health.

The law places Illinois at odds with more restrictive laws in its neighboring states, including Indiana.

Signed by Illinois Gov. Pat Quinn in May 2010, the law's most controversial component takes effect Tuesday. It applies to adopted people born in Illinois on or after Jan. 1, 1946, and those 21 or older. The new law allows them to apply for non-certified copies of their birth certificates for a \$15 fee. The new law already allows those born before 1946 to obtain their original birth certificate.

Evansville native Sarah Pugmire, spent 27 years looking for her birth mother only to find out she had died a year before Pugmire finally learned her full name.

"There was always a dead end. I got to the point I was just so obsessed," she said. "I missed out on meeting and loving and knowing my biological mother by one year."

Having a copy of her original birth certificate or adoption decree would have saved her all that trouble, Pugmire said, but under Indiana law such information was not available to her.

That is the kind of frustration that the Illinois law's author, state Rep. Sara Feigenholtz, who is adopted, hopes to help others avoid.

"This is a basic human right. The laws that were written in this country about sealing adoption records were over-reaching," she said. "There is so much unnecessary pain. This (adoption) is a joyous institution. It's human nature, from the Bible, to want to know where we are from."

She said the law makes Illinois the largest state in the country to allow adoptees to obtain original birth certificates. Only a handful of states, including Alabama, Alaska, Maine and Oregon allow adult adoptees unconditional access to it. A crazy-quilt of other policies exists in other states that involves court orders, mutual consent, adoption registries, confidential intermediaries and even counseling sessions.

New Jersey Gov. Chris Christie last June conditionally vetoed a law allowing original birth certificate release, saying he preferred a more cautious approach of confidential intermediaries and release only if the biological parents couldn't be found.

Feigenholtz said she designed it to place the responsibility on birth parents for protecting their identity rather than on adoptees to prove why they need it.

Birth parents have had since May 2010 to file a written form removing their names from copies of the original birth certificate. After Tuesday, release of that information will boil down to which request Illinois officials get first.

Previously in Illinois, identifying or medical information could only be released by the Illinois Adoption Registry if birth parents and the adoptee gave written consents and the adoption happened after Jan. 1, 2000. Release of information for adoptions before that date, or if birth parents haven't filed a consent, requires a court-appointed intermediary.

That law, which Feigenholtz said is socially outdated, also is the law in Indiana, applying to adoptions before 1994. People adopted before 1994 can only get the identity of their birth parents if both they and the birth parent give written consent to the Indiana Adoption Registry. Without such consent, a confidential intermediary can be appointed.

Feigenholtz argued that using confidential intermediaries in many cases forces birth parents and the children they surrendered into unnecessary contact.

"They are forcing people to contact (birth parents) when all they want is a copy of their birth certificate," she said.

Feigenholtz said she used another aspect of Indiana's adoption registry as a pattern for Illinois' new law. But Indiana's law, passed in 1993, eschewed the retroactive approach taken in Illinois.

Indiana also allows for the release of identifying information on birth parents unless a written non-release form has been filed. The difference between the Illinois and Indiana laws is the cut off date. Indiana's law applies only to adoptions made from 1994 forward for adoptees who are at least 21.

Because of that, Indiana's law will remain untested for several years - until those adoptees become 21, said Steve Kirsh, an adoption lawyer in Indianapolis.

Kirsh said that is crucial distinction. Making it non-retroactive allowed for adoption attorneys, as directed by the law, to inform potential birth parents that they could file non-release forms.

"Why take a chance on disrupting a woman's life who has made arguably the most courageous decision of her life already," Kirsh said.

While Kirsh and Feigenholtz agree that many birth mothers want contact. Kirsh said his law firm sometimes acts as a confidential intermediary to those seeking contact with birth parents. He said it has been his experience that those who don't want it are adamant about it.

"They have laid it to rest in their minds. They don't want to reopen it," he said. "Consider this scenario: A woman has a child out of wedlock years ago and makes an adoption plan for the child. She never tells other people and then lo and behold someone knocks on her door. It's not hard to imagine how that could cause a problem for her in her marriage."

Feigenholtz took up the cause shortly after she came to the Illinois General Assembly in 1995.

"It was incredible. There was so much resistance to it. There was more resistance to people knowing where they came from than some of the other controversial issues of the time," she said.

But Feigenholtz said the fear of people knowing their birth parents' identities was out of line with the reality of the Information Age, other records laws and changed views about adoption and women giving birth out of wedlock.

"My birth mother did not need protection from me but from society," Feigenholtz said.

"When I found her one of the first questions she asked me was, 'What took you so long?'"

My response was, 'Why didn't you look for me?' She said she didn't think she had the right."

"There was no way"

It was only after discovering her deceased birth mother's identity and reconnecting with four long lost siblings that Sarah Pugmire discovered her mother would have welcomed her contact.

Among the many records Pugmire accumulated during decades of searching was a 1998 letter her birth mother, Evansville resident Esther Harms, filed with the state agreeing to release her information to any children seeking her.

It was a wish left unfulfilled when Harms died in 2009.

Pugmire grew up in Evansville, graduating from Harrison High School in 1968. Her adopted parents never discussed her background.

She doesn't second guess Harm's decision to place her or her two sisters, twins who now live in Clarksville, Ind., for adoption. But she does question Indiana's restrictive laws which she attributes as a major roadblock in her family search.

Although she had known she was adopted since fourth grade, Pugmire said her search began in 1983 when she was having complications with her fourth pregnancy and thought knowing her family background might answer medical questions.

It became a nearly three-decade quest full of obstacles, passed-over clues and tantalizing tidbits of information that only recently fell into place, including that her adopted family and birth family lived in the Iroquis Gardens neighborhood on Evansville's East Side when she was growing up.

The Boise, Idaho, resident estimates she spent at least \$5,000 on her search, including the hiring of a private detective. Along with her husband, she spent countless hours talking to private help organizations and state officials, combing hospital and county records for clues.

"If I had my birth certificate I could have avoided all that," she said. "All the dead ends and restrictions from Indiana law made it almost impossible."

Part of the problem was that although she had learned her mother's married name at the time of her birth, Harms had later reverted to a previous married name. By the time Pugmire learned Esther Harms correct name in 2010, she had been dead for a year.

After continuing to meet roadblocks from state officials, Pugmire hired a private detective to help assemble the various puzzle pieces she gathered over the years.

"They (state officials) sent me a form saying this is when you were born and everything else was sealed. They weren't going to tell me a thing," she said.

In the end, it was circumstance that closed the gap. Pugmire reconnected with a brother and sister born to Esther by a different husband before she had Pugmire. That reunion became the subject of a television news story, posted on Facebook, which included pictures of the unidentified twin sisters Pugmire knew she had but couldn't find.

When a son of one her sisters saw it, he contacted his mother and the last piece fell into place for Pugmire.

"All these years I tried to do this on my own and I kept coming up with blocks. There was no way," she said.