

Change in Illinois adoption Act gives adoptees access to original birth certificate

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By Julia Marbach

Jessie Johnson, junior in LAS, has gone her whole life wondering who her birth parents are.

“I want to know where I came from. I also want to know what was going on in their lives when they decided to give me up and if I have any more siblings,” she said.

For Johnson and other adoptees in a closed adoption, a November 2011 change in the Illinois Adoption Act made answering these questions a possibility. Now nearing 21, some adoptees can decide whether to request information from their past.

The law allows adopted or surrendered persons age 21 and older to request a noncertified copy of their original Illinois birth certificate.

According to the Illinois Department of Public Health, the copy typically includes the names, ages and birth places of the birth parents.

Before the 2011 change, individuals involved in a closed adoption did not have access to their original birth certificate; instead, their birth certificate would have the names of their adoptive parents, said Dara Purvis, visiting assistant professor of law.

A total of 8,145 people have received a copy of their original birth certificate since the change, said state Rep. Sara Feigenholtz, D-12, a proponent for opening adoption records.

Birth parents, however, still have the option to keep their identity secret.

Since May 2010, a total of 455 birth parents requested that their name be withheld from the original birth certificate. This affected 47 corresponding adoptees who requested access and were denied, Feigenholtz said.

If one birth parent requests anonymity and the other does not, this may not prevent the adoptee from learning one parent’s identity.

“Certainly if the original birth certificate with (the father’s) name on it is then issued to the child, then the child gets in touch with him, there’s no reason that he couldn’t say, ‘Oh, here’s the name of your birth mother,’” Purvis said.

Feigenholtz said a close-knit group of adoption advocates worked for years in Illinois to expand access to original birth certificates and make Illinois “an adoption-friendly state.”

“(The change was about) restoring a very, very inalienable right — a basic human right from my perspective — to all adoptees who in the end eventually would benefit from it,” Feigenholtz said.

As noted by Purvis, the population most behind the push to open adoption records has been the adoptees themselves.

This revision in the act represents a significant change in how Illinois and many states have typically viewed adoption, Purvis added.

In the 20th century, there was a push to make adoptions closed, and most states mandated closed adoptions.

“It kind of had to do with this idea that in order for the adoptive parents to sort of be seen as the real parents or have a stable relationship with the child ... that in a way it just sort of eliminates the existence of the birth parents,” Purvis said.

For adoptees such as Johnson, however, birth parents can never be eliminated, and it has nothing to do with her relationship with her adoptive parents, she said.

While the law has been celebrated by adoptees, assessing the reaction of birth parents is a bit more difficult, Purvis said.

“The birth parents who want to remain anonymous don’t really lobby together or talk about it, so I’m not sure,” she said. “But, to the extent that you can take the relatively low numbers of people opting out as a sign that they’re OK with their names being released.”

Although many adoptees have chosen to not request a copy of their original birth certificate, including Johnson’s older brother and sister, Johnson said she still wants to.

“I love (my adoptive parents). They’re the best parents ever,” Johnson said. “But I think it would just be interesting to know more of where I come from.”

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