



The Times

Privacy of adoption law

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BY PATRICK R. BRANNIGAN

I write to point out misstatements and misrepresentations that are being made by individuals and groups who are trying to eliminate an important privacy for birth mothers -- a privacy that has been protected by law for decades. Those who want to eliminate a birth parent's privacy claim that New Jersey's adoption law protects only the adopted child. That claim is wrong. New Jersey's adoption law protects all of the parties: the child, the natural parents and the adopting parents.

The Catholic Church has provided adoption services in New Jersey for well over a century. The New Jersey Catholic Conference has long supported mutual consent reunions and the sharing of health information between adoptees and birth parents. Indeed, Catholic Charity agencies provide adoptees with information about their social background and health histories even in instances when they are unable to facilitate a reunion.

The New Jersey Superior Court, in *Mills vs. Atlantic City Department of Vital Statistics* (1977), reviewed at length the interests that are involved in placing adoption records under seal. Judge Philip Guccio noted that the purpose of the Adoption Act is to protect the child placed for adoption, the adopting parents and the natural or birth parents. Analyzing each of their respective interests, Judge Guccio first addressed those of the natural parents and the adoptive parents:

"The assurance of secrecy regarding the identity of the natural parents enables them to place the child for adoption with a reputable agency, with the knowledge that their actions and motivations will not become public knowledge. Assured of this privacy by the State, the natural parents are free to move on and attempt to rebuild their lives after what must be a traumatic and emotionally tormenting episode in their lives.

"The adopting parents also have an interest in having the birth records placed under seal. They have taken into their home a child whom they will regard as their own and whom they will love and raise as an integral part of their family unit. It is important to these adopting parents that they may raise this child without fear of interference from the natural parents and without fear that the birth status of the illegitimate child will be revealed or used as a means of harming the child or themselves. The State has an active interest in protecting and nurturing the growing family relationship it has statutorily created."

Certainly, the court recognized that the state has an obligation to protect the interests of all three parties. Judge Guccio wrote, "The statute requiring that the records be sealed clearly serves the interest of all three parties in the adoptive triangle: adoptive parents, natural parents and the child."

We must remember that thousands of birth mothers placed their children for adoption through the New Jersey courts in reliance on that statutory assurance of privacy that is so clearly articulated by Judge Guccio.

The New Jersey Catholic Conference is working with the American Civil Liberties Union of New Jersey, New Jersey Right to Life, the New Jersey State Bar Association and the Lutheran Office of Governmental Ministry to support a simple and fair approach to this very sensitive issue. Our coalition supports sensible and compassionate legislation that would take into consideration the interests of all parties.

The foundation of such a system is an effective mutual consent registry established by the state to provide adoptees with access to their birth parents' medical history and to link birth parents and adult adopted persons when the parties have requested and consented to such a reunion. This mutual consent registry system would use qualified individuals and agencies to function as intermediaries to locate adopted persons and birth parents, to certify contacts and to assess those interested in reunification. In the case in

which a birth parent is unwilling to reunite, the intermediary would obtain family and medical history for the adoptee.

It is time for those trying to end the privacy of birth mothers to tell the truth: New Jersey's adoption law protects all three parties -- adoptees, natural parents and adopting parents.

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