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Law gives adoptees access to birth certificates

Most birth parents have chance to opt out, but presumption is on openness

By Monique Garcia and Bonnie Miller Rubin, Tribune Reporters

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After a half century of wondering, Elizabeth Lively is closer than ever to finding out the names of her birth parents.

She's one of an estimated 200,000 adoptees who stand to get easier access to birth certificates under a measure Gov. Pat Quinn signed into law Friday.

Before the change, adoptees often would have to get a court order to view the document that provides such basic information as the time and place a person was born.

Now anyone adopted before 1946 can gain immediate access to their birth certificates by filing a written request with the vital records division of the Illinois Department of Public Health. Adults 21 and over who were born after Jan. 1, 1946 will be able to request the same information beginning late next year through the state's adoption registry.

For many, the newfound access will reveal for the first time who their biological parents are, though Lively, 56, said that doesn't mean she'll seek a reunion. The Burr Ridge resident said she fears rejection from the parents who gave her up once, but added that it's still important to know their identities and the details of how she came into this world.

"To have this piece of paper of where you come from is what is so important ... even though I don't want or need to do a search," Lively said. "This fills the void, without going through that door."

The battle to open adoption records started more than a decade ago as Rep. Sara Feigenholtz, D-Chicago, began to search for her birth mother. Though she eventually found her mother, Feigenholtz said she has still been unable to view her birth certificate, a simple right she says most take for granted.

Feigenholtz said the new law is about providing basic information to those yearning to know "from where we came and who we are."

"We're opening a new chapter in adoption history in Illinois," said Feigenholtz, who fought back tears throughout an emotional news conference. "In Illinois we can finally say that no one will be forced to live and die always wondering about who may have been their birth mother, who may have been their birth father."

While the law allows access to birth records, it does not guarantee that those adopted in 1946 or later will find out who their biological parents are. That's because a privacy provision allows parents to decide if they want their identity to remain secret. If one parent opts out and the other does not, the adoptee would still be able to find out the name of one of their birth parents. If both parents opt out, the adoptee may still get a redacted version of their birth record, without any parent names.

Parents can file a request for anonymity at any time, but the state will start releasing birth information on Nov. 15, 2011. If parents fail to do so, the state assumes the information is fair to release.

That aspect of the legislation sparked opposition from some Republican lawmakers, who said many parents who put their children up for adoption did so with the understanding they would remain anonymous.

This changes the rules," said Sara Wojcicki, spokeswoman for House Republican Leader **Tom Cross** of Oswego, who voted against the proposal.

Feigenholtz argued that there will be a one-year publicity period in which parents will have time to decide if they want to share their identifying information, though some lawmakers counter that's not a long enough time frame.

There is less of a stigma surrounding adoption these days, Feigenholtz said, and surveys show most parents who put their children up for adoption eventually want some form of contact. But ultimately, she said, the law is about providing basic information to those who were adopted, not teary-eyed reunions.

"This is really more of a bill for people who just want their birth certificate, they don't want contact," she said.

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