

## ADOPTION

- I. **History of Adoption** ([www.researchetcinc.com](http://www.researchetcinc.com))
  - A. **Informal adoptive arrangements until the 1850s.**
    1. **Substitute parents – informally transferred by parents or charitable institutions where parents left their children.**
    2. **Economically motivated – parents unable to support.**
      - a. **Mother or father dies –child/children cannot be cared for**
      - b. **Charitable institutions finds home**
      - c. **Church or institution forms orphan trains to send children out for adoption – often informal (1854-1929)**
      - d. **Farm families needed child labor – not adoption but transfer of title**
      - e. **Family wanted child educated or taught an occupation – often placed with a relative who could support/educate the child**
  - B. **First adoption statutes in Massachusetts in 1851.**
  - C. **Between 1850 and 1930, statutes referred to consent but didn't set rules for consent and no safeguards.**
    1. **Minnesota in 1917 required the agency or state welfare department to investigate and make recommendations.**
    2. **In some states the adopted child retained the right to inherit from their biological parents. Today – many states require that the biological parent has to acknowledge the birth child in the will.**
    3. **Early adoption statutes did not provide for confidentiality or maintenance of records. Original birth certificates were not altered or secreted. No legal protection for either adoptive or birth parents.**
  - D. **Indentured servants existed but differed from the informal adoptive placement. Indenture abolished by the 13<sup>th</sup> Amendment in 1865.**
  - E. **Biological but unwed fathers had no recognized status until the 1970s.**
    1. **Until 1994, Arizona treated unwed biological fathers the same as biological mothers. Consent of both was required for an adoption.**
    2. **Since 1994, a father who is served with a notice of claim of paternity by the biological mother has thirty days to file a paternity action.**
    3. **The grounds for termination of parental rights are as follows:**
      - a. **Abandonment**
      - b. **Neglect or Abuse**
      - c. **Mental Illness, Mental Deficiency, or Chronic Substance Abuse**
      - d. **Felony Conviction**
      - e. **Consent and Relinquishment**

**f. Length of Time in Out-of-Home Care**

- 4. Arizona Statutes provides a health and genetic history (non-identifying information) concerning biological parents to prospective adoption parents.**

**This information is available upon request to the adoptive parents, an adoptee of 18 years or more, the spouse of a deceased adult adoptee, the children of deceased adoptee, who are 21 years or older, the birth parent of the adoptee, or other biological children of the birth parent.**

**II. Record Closure**

- A. Social workers began sealing birth and adoption records during the 1930s, 1940s, and 1950s. With sealing of records, the adoptee had no legal access to information.**
- B. Reasons for sealing records;**
- 1. Privacy protection**
  - 2. Protection from blackmail**
  - 3. Protecting adoptee from conditions surrounding the birth – incest, rape.**
  - 4. Enhancing adoptee’s feeling of permanency**
  - 5. Enhancing the family’s stability**
  - 6. Encouraging the use of adoption instead of abortion, black market placement, child abuse, neglect**

**III. Sources for Locating 20<sup>th</sup> Century adoption information**

- A. State and National Archives**
- B. Hospital Records**
- C. Vital Statistics Records (birth, marriage, death, divorce)**
- D. Social Security Death Benefit Records**
- E. Military Records**
- F. Criminal Records**
- G. Church Records**
- H. Newspapers**
- I. Libraries**
- J. City Directories**
- K. Census Records**
- L. Reunion Registries**
- M. State and Private Adoption Agencies**
- N. Adoption Court records**
- O. National Locator Service (\$)**
- P. Private Investigators (\$)**

**IV. Special Rights or Provisions**

**“Indian Child Welfare Act of 1978” entitles adoptees of Native American heritage, including Eskimos and Aleuts, to special rights.**

V. **Current Status of Availability of Birth Records ([www.adopteesearch.info](http://www.adopteesearch.info))**  
This site takes you to a section detailing the legal status of adoption records and the links to get to the information.

A. **Open States** – adult adoptee may obtain copy of original birth certificate.

Alabama, Alaska, Delaware (over 21 years), Kansas, Ohio (if born before 1964), Oregon

B. **Confidential Intermediary Program – access to closed records**

1. A Confidential Intermediary (CI) is an individual who has been trained in search and adoption issues. In Arizona, as in some other states, the program was established by the State Legislature - which allows the CI to have legal access to adoption agency records, adoption court records, and private attorney records.
2. The CI attempts to make contact with the birth parent, adoptive parent, adoptee, or sibling to attempt either to obtain information or put them in contact with each other.
3. States where there is a Confidential Intermediary Program: Arizona, Arkansas, Colorado, Connecticut, Hawaii, Illinois, Indiana, Maryland, Michigan, Montana, Nevada, New Mexico, Oklahoma, Oregon, Pennsylvania, Texas, Washington, Wisconsin, & Wyoming. Each state's law differs in at least a few areas.

C. **Other Programs**

1. Some states have some degree of openness
  - a. California law varies from County to County
  - b. Maine – adult adoptees will have access to birth records in 2009
2. The following states have something in place to notify the other party that the identifying information has been asked for and asking them if they will consent to have it released. In most cases, a search is not done to find the other person--but only a letter sent to the last known address. Some of these states have Reunion Registries.

Georgia, Louisiana (over 25), Minnesota, Mississippi, Missouri, Nebraska, Nevada, New York, North Dakota. Each state does it differently.

3. Study the adoption laws for the state where you are researching. What you can do in one state may not apply in another state.