

# Adoptions Raise “Right to Know” Questions

**Q: What is an adoptive family allowed to know about the birth parents?**

**A:** In Ohio, the adoptive family may obtain any "non-identifying" social or medical history including biographical information about both the child's parents. (Non-identifying information might include a first name and some background or medical details, but would not include a last name, address, phone number, or Social Security number.) "Identifying" information about the birth parents can be provided to the adoptive parents only if agreed upon between the parties. Such information can be provided to the adoptive parents by the birth parents themselves, or by the agency or attorney handling the adoption.

**Q: How much can a birth parent know about adoptive parents, such as occupation, age, how long the couple has been waiting for a child, why the wait, etc.?**

**A:** The birth parent may ask these questions, and adoptive parents can provide as much non-identifying or identifying information as they find personally acceptable, but they are not legally obligated to provide any information.

**Q: May a birth parent choose an adoptive couple based upon their religious affiliation?**

**A:** A birth parent may review prospective adoptive couples and may select a couple based on religious affiliation. The birth parent can hope that the child is raised in a religious environment, but the law cannot force adoptive parents to practice a certain faith.

**Q: What is an open adoption?**

**A:** An open adoption is one where all parties have complete identifying information about one another. Usually some sort of contact is continued between the parties, such as the exchange of pictures, letters, phone calls, or even visits. Birth parents and adoptive parents must agree to the open adoption; none of the parties can be forced to provide complete information or contact. A semi-open adoption involves an exchange of non-identifying information.

**Q: Can a birth parent ask that the adoptive files be sealed?**

**A:** Adoption records are automatically sealed until the adopted child reaches the age of 21. Birth parents can refuse to allow adoption information to be released, or they can file a Release of Information allowing the records to be opened when the child reaches adulthood. If the adopted child is between 18 and 21 years of age, the information is released, upon request, to the adoptive parent. If the adopted child is 21 years of age or older, the information is released to the adopted child directly. It is always possible that new legislation might change the age restriction, so birth parents should keep abreast of the current laws.

**Q: Will the adopted child be able to get information about the birth parent from the adoptive parents?**

**A:** Yes, if the adoptive parents choose to share this information. Otherwise the child may have to wait until he or she is 21 years of age and the birth parents have filed a release with the Bureau of

Vital Statistics.

**Q: What, exactly, does the birth parent's adoption file contain and who has access to it?**

**A:** Generally, the file contains a copy of all social/medical information and legal pleadings. Only the attorney or agency handling the adoption and the birth parent have access to the file.

**Q: If an adopted child decides, at some point, to search for the birth parent, will the adoption agency or attorney contact the birth parent before the child does?**

**A:** This can be done if the birth parent wishes. The birth parent should make this wish known to the adoption agency or attorney.

**Q: May a birth parent write the adoptive parents a letter explaining the reasons for placing the child for adoption, and will the birth parent be assured that the adoptive couple will receive and read it, and share it with the child at an appropriate time?**

**A:** A birth parent may write such a letter, and hope that the adoptive parents will share the letter with the child. While adoptive parents cannot be forced to read such a letter or share it with the child, they may appreciate the option.

**Q: Will the adopted child be able to find the birth parent if he/she decides to search?**

**A:** Usually, the child will only be able to find a birth parent who wants to be found. Under current Ohio law, birth parents must file a Release of Information with the Bureau of Vital Statistics, where they can indicate whether or not they want identifying information to be released.

**Q: I was adopted many years ago and now have children of my own. One of my children recently needed medical attention and I was required to provide medical history on my parents. How can I obtain my family medical history? I have no desire to know identifying information regarding my birth parents.**

**A:** Contact the attorney, agency or probate court in the county where the adoption was finalized.

**Q: Can adoptive parents force a birth parent to disclose information under any circumstance?**

**A:** Adoptive parents can force a birth parent to disclose information only with a court order stating that obtaining this information is medically necessary and in the child's best interest.

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*Law You Can Use is a weekly consumer legal information column provided by the Ohio State Bar Association. This article was prepared by Columbus attorney Thomas Taneff, who concentrates on probate and adoption law and has served on the Ohio Adoption Commission.*

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