



March 11, 2021

Representative Jordan Rasmusson
Minnesota House of Representatives
291 State Office Building
St. Paul, MN 55155

Senator Kent Eken
Minnesota State Senate
95 University Avenue W, Room 211
St. Paul, MN 55155

RE: HF1559/SF1726—OPPOSE

Dear Representative Rasmusson and Senator Eken:

I am a Minnesota attorney who represents adult adopted people in Minnesota and throughout the United States. I am considered a national expert on issues related to adoptee rights, whether those relate to identity documents, birth certificates, or to adult intercountry adoptees who have been denied U.S. citizenship despite being adopted by U.S. citizen parents. I am also an adopted person and long-time Minnesota resident.

While I take no specific position on the merits of Minnesota's current newborn safe haven law, I write in opposition to specific language in HF1559/SF1726, as currently drafted. Specifically, I oppose amendments in the bill to sections 144.216 and 144.218 of Minnesota law. These specific provisions will operate to seal original birth records permanently for an abandoned newborn, making those records unavailable to the birth registrant except by court order, even after the child becomes an adult. I am asking that you revise sections 2 and 3 of the bill so that the original birth record will become available to the child upon request when he or she is at least 18 years of age. I have attached suggested language to do this.

The inclusion of a permanent "sealed birth record" provision in today's law is impractical, unrealistic, and leads to the state being complicit in deceptive practices involving the abandonment and adoption of infants. It is impractical and unrealistic because simple DNA testing as an adult (or even as a young adult) will ultimately lead to the identification of large numbers of biological relatives, including ultimately the biological parents (such as a father who likely knows nothing of the birth). That is scientific reality, and a reality that makes the anonymity of a person's birth an impossible thing to promise. Worse, it

reveals a manipulative and deceptive promise of anonymity to mothers who feel compelled to use the safe haven law for their child's legal abandonment.

More significantly, the bill's provision that permanently seals a child's original birth record, making it unavailable to the person even as an adult, will ultimately keep Minnesota complicit in deceptions targeted at abandoned children (and currently at adopted people). Adoptive parents---or legal guardians---have no legal obligation to inform their children of an adoption or the origins of an abandoned child's birth. Replacement birth records created through Minn. Stat. § 144.218 do not indicate anywhere that an adoption or prior relinquishment occurred. Instead, because they are indistinguishable from original birth records, replacement birth records state that the child was **literally born to the adoptive parents**.

As such, thousands of adopted people in Minnesota and across the United States often learn, for the first time as an adult, that they are adopted, leading to severe and damaging issues involving trust and familial disruption. This is not at all uncommon, and I currently represent an adoptee who learned for the first time last year that he was adopted. He is 35 years old. He now wears the term given to adopted people exactly like him: late discovery adoptee (LDA).

The state's current sealing of birth records from adult adopted people facilitates the fiction of "as if" born to adoptive parents, hiding adopted people's full identity and true heritage. HF1559 and SF1726, as amended, do the same. Because these provisions are impractical, unrealistic, and continue to put the state into a position of actively deceiving adopted people and people abandoned as infants, I request that you amend the provision by adding the requested attached language.

I look forward to your response.

Best regards,

ADOPTEE RIGHTS LAW CENTER PLLC



Gregory D. Luce

cc: House and Senate Co-Sponsors

REQUESTED AMENDMENT

Sec. 2. Minnesota Statutes 2020, section 144.216, is amended by adding a subdivision to read:

Subd. 4. Status of safe place birth registrations. (a) Information about the safe place newborn registered under subdivision 3 shall constitute the record of birth for the child. The birth record for the child is **private data on individuals as defined in section 13.02, subdivision 12.** Information about the child's birth record or a child's birth certificate issued from the child's birth record shall be disclosed only to the responsible social services agency as defined in section 260C.007, subdivision 27a, **to the child upon request when the child is at least 18 years of age,** or pursuant to court order.

(b) Pursuant to section 144.218, subdivision 6, if the safe place newborn was born in a hospital and it is known that the child's record of birth was registered, the Office of Vital Records shall replace the original birth record registered under section 144.215.

EFFECTIVE DATE. This section is effective August 1, 2021.

Sec. 3. Minnesota Statutes 2020, section 144.218, is amended by adding a subdivision to read:

Subd. 6. Safe place newborns. If a hospital receives a safe place newborn under section 145.902 and it is known that the child's record of birth was registered, the hospital shall report the newborn to the Office of Vital Records and identify the child's birth record. The state registrar shall issue a replacement birth record for the child that is free of information that identifies a parent. The prior vital record is **private data on individuals as defined in section 13.02, subdivision 12,** and shall not be disclosed except **to the child upon request when the child is at least 18 years of age or** pursuant to court order.