

# Public Response Paper

## Opening of Sealed Adoption Records



**Public Response Paper**  
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## *Introduction*

New Brunswick has maintained adoption records for over 100 years. Under current legislation, the *Family Services Act*, adoption records are sealed and the identities of children, birth parents and adoptive parents are protected.

The Department of Social Development is proposing to open sealed adoption records to give adult adoptees and biological parent(s) access to identifying information if certain criteria are met.

Sealed adoption records would be opened to permit the following after the adoptee's 19<sup>th</sup> birthday, if requested:

- Birth parent(s): could receive a copy of the adoption order that would include the adoptee's name following adoption.
- Adoptees: could receive a copy of their original birth registration with their birth name and the names of their biological parent(s) that may be on file.

This information would be available on application and would not require the consent of the other party.

Another proposal would allow individuals involved in adoptions prior to any changes being enacted to have the option to file a disclosure veto.

## Citizen engagement

To initiate citizen engagement, a discussion paper was released in March 2014 outlining the proposed changes. The discussion paper and a questionnaire were made available online at the [Citizen Engagement and Consultations](#) website asking those who have an interest in this matter to share their views.

More than 500 email and online questionnaire submissions were received.

Eight regional public sessions were held throughout the province, which were attended by a total of 171 people.

Date of Event	Location	Address
Wednesday, April 30 7:00 p.m. - 8:30 p.m.	Centennial Park Lodge	811 St. George Blvd. Moncton
Monday, May 5 7:00 p.m. - 8:30 p.m.	Four Point by Sheraton	100, rue Rice Edmundston
Tuesday, May 6 7:00 p.m. - 8:30 p.m.	Quality Inn Salon B	157 Water Street Campbellton
Wednesday, May 7 7:00 p.m. - 8:30 p.m.	Atlantic Host Hotel Salon A	1450 Vanier Blvd. Bathurst
Monday, May 12 7:00 p.m. - 8:30 p.m.	Auberge du Centre-Ville Salle Conference	3346 de la Chapelle Tracadie-Sheila
Tuesday, May 13 7:00 p.m. - 8:30 p.m.	Howard Johnson Inn & Suite Morrissey Hall	1 Jane Street Miramichi
Wednesday, May 14 7:00 p.m. - 8:30 p.m.	Fredericton Inn Salon A	1315 Regent Street Fredericton
Tuesday, May 20 7:00 p.m. - 8:30 p.m.	Holiday Inn Express Parrrtown Room	400 Main Street Saint John

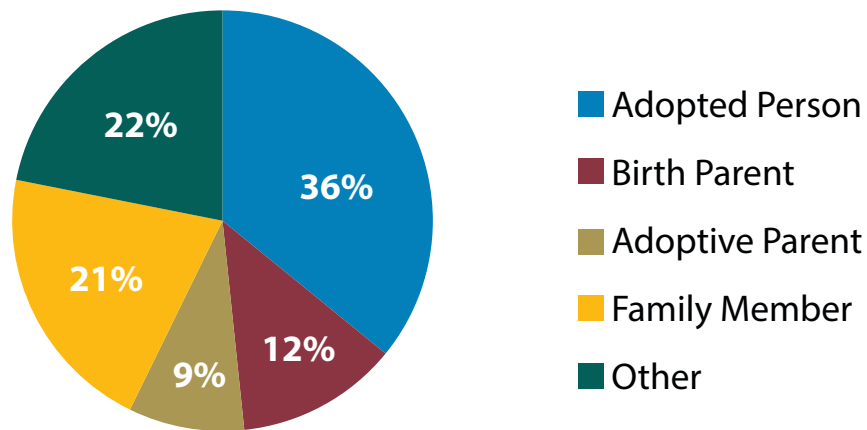
A stakeholders' forum was held on May 22, 2014, with representation from a number of organizations who have an interest in this matter.

The information provided through the citizen engagement process has been administered in accordance with New Brunswick's *Right to Information and Protection of Privacy Act*.

## Citizen engagement responses – online questionnaire

In total, 514 email and online questionnaire submissions were received. Responses came from every province in Canada and a small number from outside the country (i.e. USA and overseas).

The following chart provides a breakdown of the participant profile:



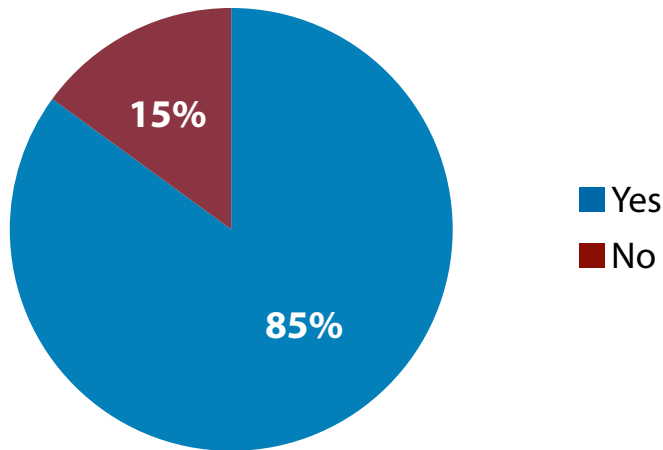
Of the 514 online responses, 393 were direct responses to the questionnaire.

The online questionnaire consisted of six questions that focused on:

- Opening the sealed adoption records
- Agreement to the described proposal
- Suggested changes
- Benefits to opening
- Concerns
- Disclosure veto option for adoptions finalized before new legislation is proclaimed

## Question 1

Do you believe that adoption records should be open allowing for parties to gain access to the identities of their birth parents and/or children they have placed for adoption?



Some of the comments in favour of adoption records being open included:

- Sometimes they may also just want to thank you...you did the right thing...
- The process currently is too difficult.
- Commend you (Department of Social Development) for opening these files.

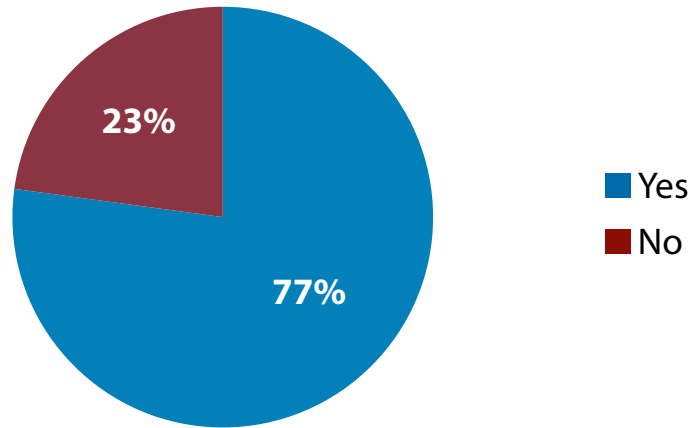
Some of the comments against adoption records being open included:

- My personal information is private.
- It is not a government decision but a personal one.
- Privacy is a valuable thing.
- The province has a certain responsibility to adoptees that were part of a system that maintained closed adoption records.



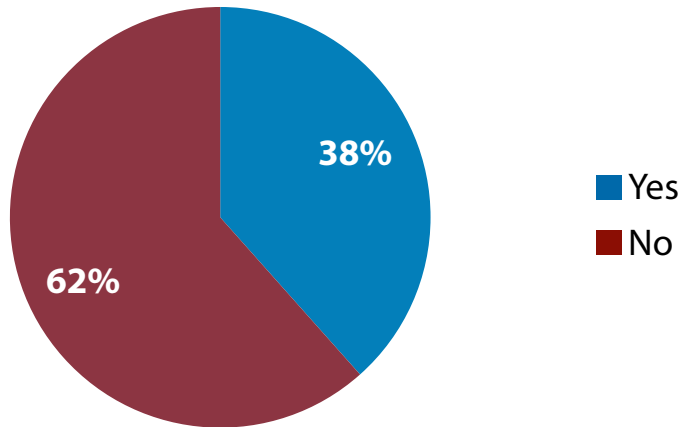
## Question 2

Do you agree with the opening of sealed adoption records as described within the discussion paper?



## Question 3

If you do not agree with the proposal are there changes you would suggest?

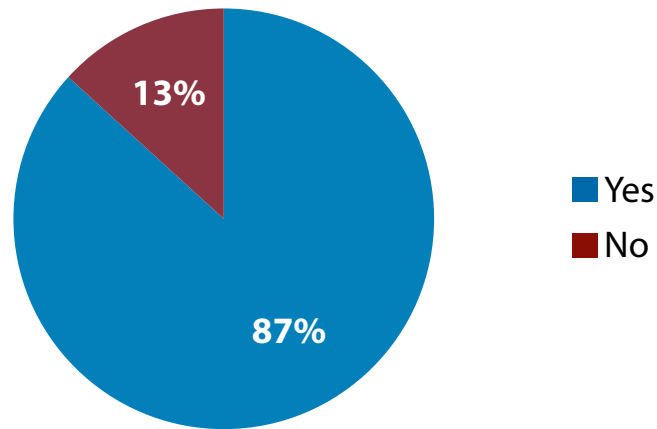


Most of the comments were focused on the option of having a disclosure veto and how it would operate. Comments ranged from not having a veto to placing restrictions on the veto. Some of the comments included:

- Leave out the Veto....if either one is not interested they can just not agree but at least the other will know they are alive and well.
- If a veto is required then allow the adoptee to place the veto, not the birth parents.
- Contact options instead of a disclosure veto.
- Proposed disclosure veto should be an opt out process as opposed to an opt in process.
- Change the age from 19 years of age to older.
- Shouldn't be government regulated.

## Question 4

Do you believe there are benefits to the opening of adoption records?



Comments about the benefits to the opening of adoption records included:

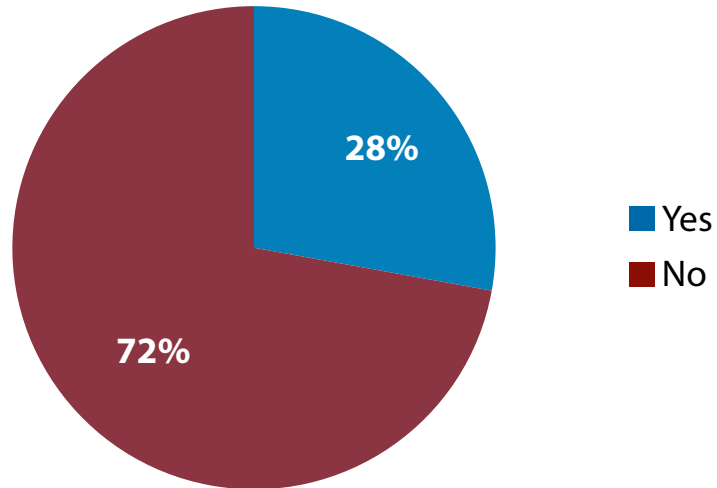
- Enabling people to move on with their lives
- Closure
- Possibility of meeting siblings and other family members
- Persons with native backgrounds having no knowledge of their parentage or benefits related to being born native.
- Treaty rights with First Nations adopted children being denied because they don't know their birth rights' names.

Comments about disadvantages to the opening of adoption records included:

- Could have negative effects
- This will not always be a nice rosy picture of happiness and friendship
- I see no benefit when my privacy is at risk
- Could be putting people at risk
- Birth mothers who have kept this personal decision to themselves throughout their lives and exposure to their secret without their knowledge could have huge repercussions.
- It would be wrong to force birth parents to disclose their identity to a birth child when they had their reason at the time to place for adoption.

## Question 5

Do you have concerns about the opening of adoption records?

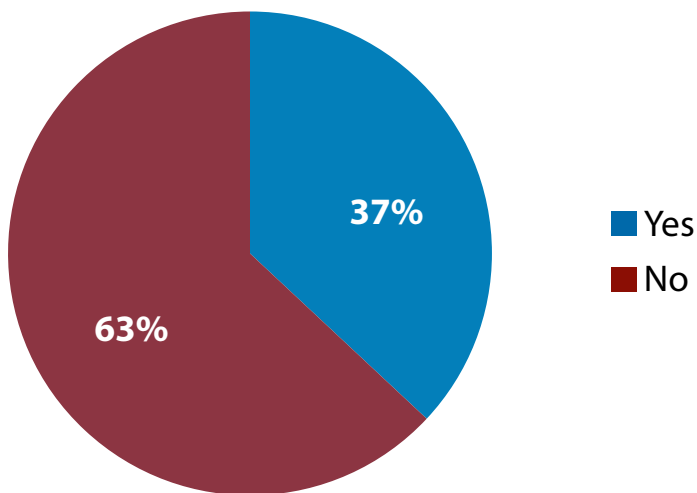


The concerns expressed included:

- Birth mothers who have kept this personal decision to themselves throughout their lives and exposure to their secret without their knowledge could have huge repercussions.
- It would be wrong to force birth parents to disclose their identity to a birth child when they had their reason at the time to place for adoption.

## Question 6

The proposal includes an option of a disclosure veto to be in place only for those adoptions that were finalized before the new legislation is proclaimed. Are you in agreement with a disclosure veto being in place?



Comments in opposition to a disclosure veto included:

- To open records and then deny a person access to the personal information based on another's wishes is prejudicial.
- Allowing a veto means that birth parents keep control and the adoptee continues to suffer.
- Contact options work just as well as a veto.

Comments in support of a disclosure veto included:

- Believe veto options are important for all parties.
- Generations of birth mothers who gave up their babies under difficult circumstances.
- A veto respects those that truly do not want information to ever be released.

## *Citizen engagement responses – online submissions*

Online submissions were received from Coalition for Open Adoption Records of New Brunswick (COARnb), Origins Canada, Parent Finders, adoptees, biological parent(s), family members and interested parties.

The general sentiment of the submissions is that opening the sealed adoption records is a positive move and should be done with careful consideration of the process and sensitivity to what is being considered.

As with the survey questions, the option of having a disclosure veto was varied with individuals voicing opinions on both sides of the issue. Several suggestions were put forth; ranging from support to other options such as:

- A disclosure veto being permitted on all adoptions.
- Only permitting adopted individuals to file a disclosure veto.
- Having time limits on the period in which a disclosure veto would be effective.
- Maintaining the present system (having consent from everybody involved before information is released).

People expressed their personal stories of reunions, both positive and negative. Many expressed feelings of being treated unfairly by having their information held back from them and not being able to access information that others who were not adopted could easily obtain.

A reoccurring concern expressed by many people was that of medical information lacking or where one could obtain medical information and how important this information is to the adoptee and to their children.

## *Citizen engagement responses – regional public sessions*

Eight regional public sessions were held throughout the province, which were attended by a total of 171 people.

Overall, the attendees agreed with government's proposal to open the sealed adoption records to give adult adoptees and biological parent(s) access to information identifying each other.

The proposal of a disclosure veto option was an issue that stimulated opinion on both sides of the issue. There are adoptees and biological parent(s) that support a disclosure veto, while others are not in favour.

A number of the attendees were quite open in offering several options for government's consideration. For example, allowing adoption records open to only those who indicate they wish their record opened rather than having to invoke a veto to ensure the information is not released.

Several self-identified adoptees expressed the desire to be treated like all other individuals when it came to having access to their original birth certificates.

During the regional public sessions, it was evident that more information must be provided concerning Social Development's Post Adoption Disclosure Services. A number of individuals were unaware that non-identifying information, such as medical information, can be presently provided to those seeking that information. Many people were unaware they may contact Post Adoption Services for medical information and efforts will be made to provide that information, if available.

## *Citizen engagement responses – stakeholders' forum*

A stakeholders' forum was held on May 22, 2014 in Fredericton with representation from New Brunswick Adoption Foundation, New Brunswick Child and Youth Advocate, First Nations child and family service agencies, COARnb, Office of the Access to Information and Privacy Commissioner, New Brunswick Youth in Care Network and New Brunswick Association of Social Workers.

Participants were in agreement with the proposal to open the sealed adoption records to give adult adoptees and biological parent(s) access to information identifying each other if the criteria are met. The participants view it as a positive step towards reducing the stigma of shame and secrecy that has long surrounded adoption and moving forward to more positive and open relationships.

The proposal of a disclosure veto was an issue that generated much discussion. There were those in favour and others opposed to a disclosure veto. It was expressed that whichever option is proposed, everyone involved in the adoption process must be treated fairly. Participants stressed that when legislation is proclaimed both adoptees and biological parent(s) should be given ample notice and time to make their decision.



## *Conclusion*

Many individuals and families are impacted by adoption policies. This is a sensitive and deeply personal issue. It was very important that people had the opportunity to voice their perspective and opinions on the changes that are being proposed.

The Department of Social Development truly appreciates all those who took time to openly share their opinions and participate in the citizen engagement process. Their input is extremely valuable.

As the department continues to assess the results of this citizen engagement process, the positions of the respondents will be forefront.

Next step is to finalize the detailed recommendations for legislative drafting, which is expected to occur in the fall of 2014.