

**Information
and Privacy
Commissioner of
Ontario**

**A Review of the Literature on
Adoption-Related Research:
The Implications for
Proposed Legislation**



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Commissioner
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Foreword

Bill 183, the *Adoption Information Disclosure Act, 2005*, was introduced in the Ontario Legislature on March 29, 2005 and passed second reading on May 3, 2005. This legislation, if passed, would generally provide adopted persons and birth parents with a right of access to each other's personally identifying information contained in adoption-related records. While the Office of Information and Privacy Commissioner of Ontario (IPC) supports greater openness in the sharing of adoption-related information, we are very concerned about the proposed retroactive application of the legislation to records that were created during an era when secrecy was the norm, without the existence of a mechanism for individuals to prevent the disclosure of their personal information (i.e., disclosure veto). Accordingly, the IPC recommended that the proposed legislation be amended to include a disclosure veto.

Open adoption records advocates, who have been lobbying for adoption disclosure legislation, have spoken out strongly against the IPC's recommended inclusion of a disclosure veto in the proposed legislation. These advocates, who claim to represent the adoption community, have argued that the body of adoption-related research supports the provision of an unqualified right of access to adoption-related information. However, this position is in direct opposition to the views expressed in the letters and emails that the IPC has received from many adult adoptees, birth parents and adoptive parents on this matter.

In an attempt to reconcile the messages that the IPC was receiving from many individuals directly involved in adoptions with those that were being propagated by open adoption records advocates, we undertook to review the adoption-related literature and to provide an analysis of the implications of the research for the policy debate on the inclusion of a disclosure veto in Ontario's proposed legislation.

We asked Dr. Anne-Marie Ambert, a Sociology professor, at York University to provide an independent, expert review of the paper. According to the Vanier Institute of the Family in Ottawa, Dr. Ambert is the most informed general expert in the area of family studies in Canada. She recently published her 12th book here in Toronto entitled, *Changing families: Relationships in context* (Pearson Ed., 2005). One of her areas of expertise resides in the field of adoption.

Dr. Ambert graciously reviewed and provided the following comments about our paper:

First of all, I wish to emphasize that I am a researcher and not an activist.

In the past six weeks, I have received 23 e-mails from adoptees and birth mothers alarmed by Bill 183. Five of these persons had already been in touch with me with their life narratives after the online publication of my article on the effect on families of the social construction of adoption (available at <http://www.arts.yorku.ca/soci/ambert/writings/index.html>) which will soon be transferred to the Ontario Council on Adoption's website. (Over time, I have received over 200 e-mails which I am in the process of analyzing.)

The presentation by the IPC is certainly the best informed and least biased paper I have ever read on the topic – and would be accepted for publication by any scholarly journal with high standards. (I am on the editorial board of the Journal of Marriage and Family where the rejection rate is 83%.) It is extremely well balanced and politicians, who have naturally been lobbied by activists, often supported by the media, should be advised to seriously consider its main conclusion: “The body of research provides no conclusive evidence to support one legislative approach over the other.”

However, I would go one step further, as my expert opinion leads me to be very concerned about opening records retroactively. Indeed, many birth mothers will have shattered lives as a result of being “outed,” while many adoptees and birth mothers may be approached by a disturbed birth parent or child, not to omit cases of incest, rape, sexual coercion, etc. Contrary to media-promoted pop psychology, many adoptees are not interested in being “reunited,” and many birth mothers who have moved on and have children “of their own” (sic) do not want to revisit the past. Yet, these persons are completely normal.

However, some of these same adoptees would like to have more information about their biological parents’ health situation (up-to-date). In fact, the need for such information is one of the prime motivators in search/reunions. Therefore, one alternative would be to set up a Mediator Office that would discreetly contact birth parents (or adoptees) and obtain up-to-date information about them when adoptees request it and vice versa. At that point, if either party is interested in meeting the other, this could happen, upon mutual consent, at the Mediator’s Office. After this initial meeting, each party would let the Mediator know whether he/she wishes to have his-her full name and address divulged for further contact.

I have received several letters (from many English-speaking countries) describing a similar procedure (often in a lawyer’s office) when, say, a birth mother did not wish to have her full identity and that of her family divulged or an adoptee simply wanted to know whom she looked like, for instance.

I will not presume at all that the persons who wrote to me constitute a representative sample from which one can generalize to the entire population of their group (as other researchers claim). However, many wrote to tell their stories because they felt that, because they were not interested in being reunited, they were de facto excluded from studies that have been carried out on this topic – which is exactly one of the points made by the IPC.

*Anne-Marie Ambert
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Executive Summary

Bill 183, the Adoption Information Disclosure Act, 2005, was introduced in the Ontario Legislature on March 29, 2005 and passed second reading on May 3, 2005. If passed, this legislation would generally provide adopted persons and birth parents with a right of access to each other's personally identifying information contained in adoption-related records. The introduction of the proposed legislation has sparked a spirited public debate about the extent to which adoptees and birth parents should be provided with a right to control the disclosure of their own personal information.

While the Information and Privacy Commissioner of Ontario (IPC) supports greater openness in the sharing of adoption-related information, we are opposed to the unqualified retroactive application of the legislation without the existence of a mechanism for individuals to prevent the disclosure of their personal information (i.e., disclosure veto). In contrast, open adoption records advocates would like the legislation to provide unqualified access to adoption-related information and are strongly opposed to the inclusion of a disclosure veto. They have argued that the research on adoption supports their position.

The purpose of the paper is to provide an overview of the adoption-related research that has been conducted to date and to provide an analysis of the implications of that research for the policy debate on the inclusion of a disclosure veto in Ontario's proposed legislation.

There are three types of research that have been cited to support an unqualified openness point of view: search and reunion studies; studies of the impact of open adoption records legislation in other jurisdictions; and survey research on attitudes towards the unsealing of adoption-related records. With respects to search and reunion, open adoption records advocates have suggested that this research shows that adoptees and birth parents wish to be found and even those individuals who are ambivalent about the possibility of a reunion with their birth relatives, will nonetheless find the experience to be positive. Some advocates have cited this research to support the claim that past secrecy surrounding adoption-related information has inflicted psychological harm on adoptees. With respects to research on the impact of adoption disclosure legislation in other jurisdictions, this research has been cited to support the conclusion that there is no evidence that harm will come from the unconditional disclosure of confidential identifying information to adoptees and birth parents. This research has also been presented as "proof" of the position that contact vetoes are sufficient to protect a person's privacy. Finally, the survey research on attitudes towards adoption and the unsealing of adoption records has been cited to support the conclusion that there is public support for the unconditional disclosure of identifying information to adoptees and birth parents.

A close analysis of the research design and methodology used in the bulk of this research reveals a significant number of shortcomings which cast serious doubt on the generalizability of the results and the validity of some of the conclusions drawn. First, almost all of the research has been conducted using self-selected samples of adoptees, birth parents and adoptive parents, thus biasing the research in favour of positive outcomes. Second, much of the research has been conducted on adoptees and birth parents who have sought out and attempted to reunite with a birth relative, further biasing the results of the research. Moreover, in many cases, research participants were recruited from search and reunion support groups that advocate not only search and reunion but open adoption records. Third, our review did not uncover any longitudinal studies on the effects of search and reunion and/or adoption disclosure legislation on representative samples of adoptees, birth parents, or adoptive parents. Consequently, the long-term impact of search and reunion remains unknown. Fourth, our review did not uncover any longitudinal studies on the effects of contact vetoes using representative samples of individuals who have lodged a veto or been subject to a veto. Regardless of the fact that the long-term effectiveness of contact vetoes in protecting privacy has never been systematically investigated, there is a fairly widespread belief among those who wish to protect their privacy that contact vetoes are not effective. Finally, the literature review revealed no systematic surveys of representative samples of adoptees, birth parents and adoptive parents on attitudes towards unqualified access to adoption-related information. In the absence of longitudinal research using representative samples of adoptees, birth parents and adoptive parents, the research findings are simply inconclusive.

Conclusion

It is clear from the research on adoption that there are a wide range of experiences and attitudes among individuals who are directly involved in adoption. The body of research provides no conclusive evidence to support one legislative approach over another. There is no agreement among experts in the area on the issue of open adoption records. Moreover, based on the scientific evidence, there is no way to predict the impact of the disclosure of adoption-related information on any particular adult adoptee or birth parent or to assess, in the context of Ontario legislation, whether the contact veto will provide sufficient privacy protection for adult adoptees and birth parents. Accordingly, in our view, the most prudent means of balancing the competing interests when applying legislation retroactively would be to allow individuals to decide for themselves, given their own life circumstances, whether or not to disclose their own personal information to their birth relatives. This balance can be achieved by incorporating a disclosure veto for previously confidential information, into any proposed adoption disclosure legislation.

A Review of the Literature on Adoption-Related Research: The Implications for Proposed Legislation

Bill 183, the Adoption Information Disclosure Act, 2005, was introduced in the Ontario Legislature on March 29, 2005 and passed second reading on May 3, 2005. If passed, this legislation would generally provide adopted persons and birth parents with a right of access to each other's personally identifying information contained in adoption-related records. The introduction of the proposed legislation has sparked a spirited public debate about the extent to which adoptees and birth parents should be provided with a right to control the disclosure of their own personal information.

While the Office of Information and Privacy Commissioner of Ontario (IPC) supports greater openness in the sharing of adoption-related information, we are generally opposed to the retroactive application of the legislation to records that were created during an era when secrecy was the norm, without the existence of a mechanism for individuals to prevent the disclosure of their personal information (i.e., disclosure veto). It is our view that the disclosure of adoption-related personal information, without the consent of individuals, constitutes an unjustified invasion of personal privacy of both adoptees and birth parents. This point of view is shared by a number of adoptees and birth parents, as well as many privacy advocates.

In contrast, proponents of the proposed legislation have argued that national and international research on adoption supports providing an unqualified right of access to adoption-related records for adoptees and birth parents, without any ability for the individuals concerned to prevent disclosure of their personal information. This point of view is shared by a number of adoptees and birth parents and adoption disclosure activists, particularly those who have had their attempts for search and reunion with birth relatives frustrated by the current lack of access to adoption-related records.

The purpose of this paper is to provide an overview of the adoption-related research that has been conducted to date and to provide an analysis of the implications of that research for the policy debate on the inclusion of a disclosure veto in Ontario's proposed legislation. The first part of the paper will provide a selective overview of adoption-related research that has implications for the disclosure of adoption-related information. This part of the paper will focus on the methodological limitations of the research, such as selection bias. These methodological flaws have been widely acknowledged in the adoption related literature. Such flaws restrict the generalizability of the research findings and limit the conclusions that can be drawn from this research. The paper will conclude with a discussion of the implications of the research for the policy debate on the inclusion of a disclosure veto in Ontario's proposed legislation.



Overview of Adoption-Related Research

There are three types of research that have been cited to support the view that adoption disclosure legislation should provide unqualified access to adoption-related information to adoptees and birth parents. The first type of research explores the impact of search and reunion on adoptees, birth parents and adoptive parents. The second type of research examines the impact of adoption disclosure legislation, enacted in various jurisdictions throughout the world, on adoptees, birth parents and adoptive parents. The third type of research is public opinion surveys which assess attitudes towards the disclosure of adoption-related information. An overview of each of these categories of research is provided below.

Search and Reunion Research

Numerous studies have focused on why some adoptees search for their birth parents (e.g., Day, 1979; Kowal and Schilling, 1985; Picton, 1982; Sobol and Cardiff, 1983) and the outcome of reunions (e.g., Gladstone and Westhues, 1998; Pacheco and Eme, 1993; Picton, 1982; Sorosky, Baran, and Pannor, 1989; Triseliotis, 1973). These studies have generally shown that adoptees who search for their birth parents may have had different experiences than adoptees who do not search and that reunions are viewed as positive experiences that generally do not disrupt the lives of participants. This research has been used to support the argument that adoptees and birth parents want to be found and even those individuals who are ambivalent about the possibility of a reunion with their birth relatives will find the experience to be positive. This research has also been cited to support the claim that past secrecy surrounding adoption-related information has inflicted psychological harm on adoptees (e.g., Lifton, 1994). In the public hearings on Bill 183, Grand (2005) also stated that “the research indicates that issues of identity and disenfranchised grief are at the heart of many of the difficulties that adoptees and birth kin experience.”

However, as Ambert (2003) has noted “this area of research is still very embryonic and suffers from several methodological problems.” (p. 18) The methodological flaws of this research limit the generalizability of the results and the conclusions that can be drawn. For example, it has been widely acknowledged in the adoption literature that this type of research is biased in favour of finding positive outcomes. As noted by many researchers (e.g., Campell, Silverman and Patti, 1991; Kowal and Schilling, 1985; Pacheco and Eme, 1993), the samples used in this type of research are not random samples of the entire population of adoptees who had searched for and/or had a reunion with their biological parents, but were, in almost all cases, convenient samples of self-selected individuals who responded to a direct or indirect request for participation. There is some evidence to suggest that adoptees and birth parents who do not participate in such research may have had less positive search and reunion experiences. For example, Pacheco and Eme (1993) suggested that the results

of their study may have been less positive if the entire population of adoptees who had had a reunion were interviewed and that “the results presented should therefore be interpreted as most probably having a bias toward presenting an overly positive outcome experience.” (p. 60)

In addition, since most participants in this type of research had themselves initiated a search and reunion (e.g., Gladstone and Westhues, 1998), it can be argued that the high success rate may be inflated. There is some evidence to suggest that birth relatives who are found are more likely to view the reunion experience negatively (Howe and Feast, 2000; Sachdev, 1992; Silverman et al., 1988) and that some individuals who are found by their birth relatives may react with shock, anxiety and confusion. For example, Howe and Feast (2000) compared a group of adoptees who had actively sought out information and a birth relative with a group of adoptees who had been approached by a birth relative for information and a reunion. The researchers found that significantly more non-searchers (24%) than searchers (14%) felt that the reunion experience had been upsetting and negative.

Where research participants have been recruited from adoption reunion support groups (e.g., Sachdev; 1992; Silverman, Campbell and Patti, 1988; Snodgrass, 1992; Pacheco and Eme, 1993), the results are biased toward favourable reunion experiences since such groups advocate the benefits of reunion. Individuals with positive attitudes toward search and reunion are self-selected to participate in such groups and may be more inclined to report more positive reunion experiences than those who do not participate in these types of support groups.

As noted by Campbell, Silverman and Patti (1991) “it is not possible to systematically sample adoptees to identify a representative population of adoptees who have had reunions.” Consequently, “caution must be used in generalizing from the results presented here to the whole population of adoptees.” (p. 334)

Carp (1998) has provided a critical analysis of the work of three of the more influential researchers in the open adoption record debate. Between 1974 and 1978, Sorosky, Baran and Pannor published at least 11 articles and a book on the adoption triangle. All publications advocated for open adoption records either by discounting what they viewed as the unfounded concerns of birth parents, adult adoptees and adoptive parents or by trumpeting the positive outcomes of an open policy. In their writings, these authors promoted the idea that adoptees’ need to search for their origins was a universal phenomenon, stemming from psychological problems, primarily identity conflicts, linked to adoption. They also advocated the position that birth mothers had unresolved feelings about the adoption that could be addressed through search and reunion. This body of work provided open adoption records advocates with arguments based on social scientific research and, although the methodological shortcomings

of the research were acknowledged by the researchers, advocates for open records largely ignore these flaws.

Following an analysis of the work of Sorosky, Baran and Pannor in terms of research design and methodology, Carp (1998) concluded:

From a social science methodology perspective, it is a wonder that any of these articles were published. Their sample was so small, self-selected, and unrepresentative of the adoption triad community at large that, statistically speaking, their conclusions were all but worthless. They based their initial articles on interviews with and letters from a total of 22 adoptees, 47 birth mothers, 170 adoptive parents, and 11 reunions between adoptees and birth mothers. (p.151)

Some researchers have attempted to obtain more representative samples of individuals who have searched for and had a reunion with a birth relative. For example, Sullivan and Lathrop (2004) surveyed every adoptee and birth parent who had completed a reunion through an Adoption Reunion Registry in British Columbia prior to a date that would have ensured that a reunion had been achieved at least one year prior to the survey. Although the results showed that both birth parents and adoptees were largely positive about the reunion experience, this study was also subject to selection bias. As noted by the researchers, since individuals who had refused a reunion were not contacted to participate in the study, “those who may have had strongest opposition to the availability of a reunion registry may have been omitted from the survey.” (p. 400) Also, individuals who were not interested in search and reunion with birth relatives were omitted from the sample.

If the results of the research are not representative of the entire population of adoptees and birth parents who have searched and/or had a reunion, they are even less representative of the entire population of adoptees and birth parents. Evidence suggests that those individuals who search for their birth relatives may have had different experiences than those who do not search. For example Sobol and Cardiff (1983) found that increased searching activity was related to the following: a traumatic adoption revelation, knowledge of circumstances of birth and adoption, strained adoptive family relationships, poor self-concept, the experiencing of stressful life events, or a belief that having been adopted made one feel different and incomplete. A review of the literature, by Howe and Feast (2000), identified a number of factors that distinguish searchers from non-searchers, including gender, self-esteem, degree of openness in the adoption, quality of the adoption experience, and age at placement. Since the life experiences of adoptees who search may differ from those who do not search, it is plausible that those individuals who have no desire to search for and reunite with birth relatives would have less positive reunion experiences. This conclusion is supported by studies comparing adoptees who search with those who have been found (e.g., Howe and Feast, 2000).

In addition, because it is not possible to obtain representative samples of adoptees and birth parents, it is not known what portion of the entire population actually search for their birth relatives. It is not possible to estimate the proportion of birth parents that search since these individuals are very difficult to locate and in many cases have not revealed this part of their life to anyone (Ambert, personal communication). Estimates of the portion of adoptees who search for their birth parents range from between 1 and 2% to 30 to 40% (Howe and Feast, 2000). The fact that only a minority of adoptees search further limits the conclusions that can be drawn from search and reunion research about the potential impact of the disclosure of adoption-related information on adoptees and birth parents. At the very least, estimates of the proportion of adoptees that search cast doubt upon the universal need for a reunion that has been alleged by open adoption records advocates.

The generalizability of the results of surveys of individuals involved in search and reunion is also limited by the typically low response rates that are achieved. For example, a response rate of 31% was achieved by Sullivan and Lathrop (2004). In some studies, response rates could not be estimated since questionnaires were distributed in a non-random and unsystematic manner. For example, Campbell, Silverman and Patti (1991) distributed questionnaires through adoption organizations and in the newsletter of a birth parent organization. Individuals were also invited to participate through an article in a magazine. In addition, all participants were encouraged to photocopy the questionnaire to share with others. Thus, the researchers had no idea how many questionnaires were distributed and could not estimate the response rate. Similarly, Sachdev (1992) was unable to determine the response rate for a survey of adoptees who had had a reunion, since questionnaires were sent to all members of an adoption search and support group in Ontario, whether or not the member had experienced a reunion.

Moreover, as noted by Ambert (2003), it is not known if the initial success of reunions is sustained over the years, since there are no longitudinal studies. In fact, there is some evidence to suggest that the level of contact between adoptees and birth parents following a reunion may diminish over time (e.g., Gediman and Brown, 1991; Gladstone and Westhues, 1998; Gonyo and Watson, 1988; Lifton 1988). Consequently, the high success rate of reunions, found in many studies, may be at least partially attributable to the fact that research participants had had a reunion recently. It is, therefore, plausible that the impact of reunions would be less positive and more benign if they were examined longitudinally.

In addition, in some cases the definition of what constitutes a positive reunion experience is vague and varies from one individual to the next (Ambert, 2003). For example, some individuals consider the reunion experience a success if they obtain the information that they have been looking for, such as family medical history or the physical appearance of birth family members. In some studies a single indicator (e.g., successful versus not successful) has been used to assess the outcome of the reunion (Sachdev, 1992). Studies that use overly vague

and/or a narrowly defined range of outcomes contribute little to our understanding of the complexities of the reunion experience for adoptees, birth parents, and adoptive parents.

In spite of being biased toward positive outcomes, many studies have found that there is a significant portion of individuals who experience negative reunion outcomes. But, since research conclusions are often generalized from the findings for the majority of the study sample, the experiences of this segment of the sample are often overlooked. For example, Sullivan and Lathrop (2004) found that although 72% of birth parents thought that identifying information about adoptees should be available to birth parents on request, only 56% of adoptees and 40% of adoptive parents agreed with this. This means that 44% of adoptees and 60% of adoptive parents did not agree that identifying information should be available to birth parents. Moreover, 64% of adoptees who had been the subject of a search felt that identifying information should not be available to birth parents, on request. Similarly, although the majority of birth parents (72%), adoptive parents (60%) and adoptees (60%) agreed that identifying information on birth parents should be available to adult adoptees on request, a significant portion of birth parents (28%), adoptive parents (40%) and adoptees (40%) did not respond affirmatively to this. Moreover, those who had been the subject of a search were significantly less likely to believe that identifying information on birth parents should be available to adult adoptees. It is also interesting to note that with respect to conditions that individuals would impose on the possibility of reunion, the most frequently suggested condition was mutual consent.

Pancheco and Eme (1993) found that 14% of their sample of adoptees who had had reunions with birth parents during the previous five years either disagreed with or were uncertain about feeling that the reunion was a positive experience overall. The researchers acknowledged that “this percentage is most probably an underestimate of the degree of dissatisfaction upon initial contact, with perhaps a figure of 20% being more accurate.” (p. 60)

In summary, although the results of reunion outcome studies show that most research participants viewed the reunion experience positively, the studies are biased in favour of finding positive outcomes and have not investigated the long-term impact of reunion on individuals' lives. Consequently, the results of these studies cannot be generalized to the entire population of adoptees and birth parents or even to the entire population of adoptees and birth parents who have searched for and/or have been reunited with their birth relatives. In addition, although biased in favour of finding positive outcomes, most studies have found that there is a significant portion of adoptees and birth parents who experience negative outcomes.

Since conclusions from these studies are based on generalizations from the experiences of the majority who experienced positive outcomes, little attention has been paid to the adverse experiences of the significant minority of adoptees and birth parents and to those who do not wish to search or be found.

In light of these methodological limitations, particularly the absence of research conducted on representative samples, it cannot be concluded that members of the adoption triad – adoptees, birth parents, and adoptive parents – will not be adversely impacted by search and reunion. Further, given the variability in the results of the research, it cannot be concluded that adoptees have a universal need to search for their birth parents or that adoptees and birth parents all wish to be found by their birth relatives.

Research on the Impact of Adoption Disclosure Legislation in Other Jurisdictions

This section will provide an overview of research projects and special reports on the impact of existing adoption disclosure legislation in other jurisdictions. The focus is on jurisdictions with legislation that does not include a disclosure veto. This research is often cited by open records advocates to support the conclusion that there is no evidence that harm will come from the unconditional disclosure of confidential identifying information to adoptees and birth parents. This research has also been cited by adoption activists advocating for open records (e.g., Grand, 2005), as “proof” that contact vetoes protect a person’s privacy.

United Kingdom

In Scotland, original birth information is available to adoptees after the age of 17. A committee undertaking a comprehensive review of proposed adoption legislation in England commissioned John Triseliotis to carry out research on the experiences of adoptees under the legislation in Scotland. Triseliotis (1973) studied 70 adult adoptees in Scotland who had accessed their original birth certificate over a two-year period. Triseliotis found that 80% of adoptees who obtained information about their origins found the experience personally beneficial and had no regrets about obtaining the information. The remaining 20% indicated that they did not find the information useful and regretted having sought it.

This study is often cited in support of the conclusion that the disclosure of adoption information is not harmful. However, while the results of this study may be interesting, it is important to note that the study does not shed any light on the impact of retroactively opening previously confidential adoption information. Since Scotland’s legislation has been in effect for some time and was not applied retroactively, it did not interfere with previously

existing expectations of privacy among adoptees and birth parents. Thus, based on this study, no conclusions can be drawn about the retroactive application of legislation that would open up previously closed confidential adoption information.

Largely due to the influence of the Triseliotis study, the Children Act, 1975 retroactively opened original birth certificates to adoptees in the United Kingdom. To address the concerns raised about retroactivity, the legislation required mandatory counselling before an adopted person would be given access to the information. The mandatory counselling provided an opportunity for researchers to assess the potential impact of the disclosure on adoptees, birth parents, and adoptive parents. For example, Day (1979) studied the first 500 interviews given at the Registrar General office in London following the implementation of the legislation. The study found that only 3.6% of the 500 adoptees interviewed gave counsellors cause for concern after counselling. Day concluded that “there is no reason to believe... from what is known thus far, that natural parents are more likely to be disturbed on any significant scale, as a result of the implementation of section 26, than they were before,” (p. 25) and that “for the vast majority of applicants, probably above 90%, the acquisition of birth information did not appear likely to cause undue anxiety or distress, either to adoptees or the natural parents, where traceable.” (p. 28)

Again, however, the validity of these conclusions is questionable based on the methodological shortcomings of the research. For example, Day did not systematically assess the impact of the disclosure, but rather relied on the impressions of counsellors and the stated intentions of the adoptees who sought access. Also, the conclusions are based on a sample of adoptees that did not represent the population of adoptees affected by the legislation, since only between 1 and 2% of the population of adult adoptees had come forward to obtain information at the time when the study was published. Moreover, since the study was short-term in nature, the long-term impact of the disclosure on adoptees, birth parents and adoptive parents remains unknown.

In addition, the perception that there was little potential for harm from the disclosure may be attributed to specific safeguards that were incorporated into the legislation in the United Kingdom. For example, mandatory counselling was required before an adopted person would be given access to the information. At the time when the legislation was first introduced, the advice that was given by counsellors included serious warnings about the potential consequences for adoptees and birth parents. It has been suggested that this counselling may have actually discouraged many adoptees from seeking a reunion with a birth relative (Howe and Feast, 2000). If so, this could have limited the potential for harm. In fact, Day (1979) concluded that counselling may have been effective, for some applicants, in “delaying precipitate actions, increasing the awareness of the issues involved, and reducing the likelihood of distressing confrontations.” (p. 28)

Currently in the United Kingdom, counsellors are advised to seek the advice of the Registrar General where there is serious concern about the possible consequences of giving the adoption-related information. A 1989 court ruling upheld the Registrar General's decision not to provide birth records information on the grounds that there were public policy considerations. In this case, a man, who had previously murdered two people, had been refused access to his original birth certificate because he was considered mentally unstable and there was a concern that the hostility he had previously expressed towards his adoptive mother could pose a serious threat of harm to his birth mother and other birth relatives. The representative for the appellant had argued that the legislation establishes a clear statutory entitlement to the relevant information that is not qualified in any way by public policy considerations. However, in interpreting the legislation and delivering the leading judgement of the Divisional Court, Watkins L.J. said "it is, we think, beyond belief that Parliament contemplated that an adopted child's right to obtain a birth certificate should be absolute come what may." (See *Smith v. Registrar General*, paragraph 17.)

Thus, although the experiences in the United Kingdom are often cited to support the conclusion that no harm will come from the retroactive opening of adoption records, it is important to recognize that the safeguards that have been built into the legislation or applied by the courts have helped minimize the potential for harm. These safeguards included mandatory counselling to raise awareness about the potential adverse consequences of the disclosure of information, and the discretionary power of the Registrar General to withhold information where there were serious concerns about the potential consequences of disclosure. It is possible that these safeguards may have somewhat mitigated the potential harm that could have resulted if unqualified access to birth origins information had been provided, as advocated by open adoption records activists.

Australia

In Victoria, Australia, adoption disclosure legislation provides adult adoptees with a right of access to their original birth certificates. Adoptees are required to attend an interview before being granted access. Adoptees have a right of access to all information about themselves regardless of whether it would identify a birth relative. There is no ability for birth parents to prevent disclosure of the information or to prevent contact by the adoptee. In contrast, without the consent of the adoptee, birth parents only have a right to access nonidentifying information.

Tabak (1990) undertook a study of 100 adult adoptees chosen at random from among those who had obtained information about their origins during a ten year period. A high response rate of 80% was obtained. The interviews were conducted three to eight months after the initial mandatory interview. The results of the study showed that 62 of the 100 adult

adoptees interviewed had attempted to contact a birth relative at the time of the interview. Of the 58 birth relatives who were successfully contacted, 40 (69%) agreed to a meeting and 13 (22%) agreed to the exchange of information. Five of the 58 (9%) refused contact. Initial reactions of birth relatives were varied with some expressing concerns about privacy. Although there were no reports of marriages being disturbed or relationships with other children of the birth parent being damaged, ten birth mothers (17%) had not informed their husbands and/or children about the existence of and/or contact with the adoptee. Due to the short-term nature of the study, it is not known if there were any long-term adverse consequences of the disclosure of the information, particularly for the minority of birth relatives who refused contact or those who had agreed to contact, but had not informed their families about the adoptee.

In 1992, the Law Reform Commission of New South Wales undertook a comprehensive review of the *Adoption Information Act, 1990* during its first year of operation. This legislation provides adult adoptees with retroactive, unqualified access to their original birth certificate and birth parents with retroactive, unqualified access to the post-adoption birth certificate of their adult children. Although neither adoptees nor birth parents can prevent the disclosure of this information, the legislation incorporates a contact veto whereby adoptees and birth parents can prevent contact. The final report on the review includes a chapter assessing the impact of the legislation on adoptees, birth parents, adoptive parents, and the extended families of all parties. This chapter of the report will be discussed in considerable detail as it provides the only comprehensive assessment of a legislative framework that provides a contact veto, but no disclosure veto.

The impact of the legislation was assessed on the basis of oral and written submissions, personal interviews, meetings with adoption interest groups, a special report on the impact of the legislation on individuals, a study of “persons found,” correspondence to politicians, submissions made to the Committee established prior to the introduction of the legislation, and research and other publications. The “persons found” study and the special report on a study of the impact of the legislation on individuals will be described in considerable detail.

Overall, the Committee found that while most birth parents supported the legislation, a significant minority were opposed to the retroactive nature of the disclosure of information. Some felt that the legislation was re-opening old wounds and forcing them to re-live hurtful experiences. Most birth mothers who were opposed to the legislation had not informed their children and/or husbands about the adoption. But, the strongest opposition came from birth mothers who had conceived as a result of incest or rape.

The views of adoptees were also mixed. While the majority were in favour of the information rights provided to them, a significant minority were critical of the information rights being provided without the consent of the individual concerned. Many adoptees who were opposed to the legislation considered their lack of control over their own personal information to be an invasion of privacy. Others considered the unqualified disclosure of information to not only be an invasion of privacy, but also a threat to their personal security and peace of mind. Moreover, those who did not want contact with their birth parents seriously questioned the effectiveness of the contact veto. Some considered the contact veto to be “an unjustifiably expensive inconvenience.” (p.28) The majority of adoptive parents were opposed to the legislation and considered the informational rights, particularly those given to birth parents, to be a violation of privacy. The retroactive application of the legislation was a major source of concern for adoptive parents.

With respect to contact and reunion, the Committee found that the experiences of individuals ranged. In most cases, contact and reunion were generally found to be positive experiences. However, in a small number of cases, intrusive and sensitive behaviour followed contact. The Committee also heard statements to the effect that contact had accelerated some deaths, broken up marriages, and disrupted families.

While the contact veto system was regarded as fair and workable by most individuals, a large number of individuals, primarily adoptive parents, but also some adoptees and birth parents found the contact veto system to be inadequate. Most who were opposed to this system thought that consent should be required before any personal information was disclosed and that the contact veto would be ineffective. Many individuals objected to having to attend in person and to paying a fee when lodging a contact veto. Opposition to the system prevented many individuals from lodging a contact veto. The Commission found evidence of only one case in which a contact veto had been violated, although it heard rumours of other breaches. However, as noted by the Commission, “it does not follow, of course, that there have been no other breaches.” (p.46) It was recognized that individuals whose privacy had been violated may not want to risk further exposure by coming forward. Although the Commission concluded that compliance with contact vetoes was remarkably high, it is important to note that the legislation had only been in effect for one year at the time of the review – the likelihood of violations of contact vetoes would have become more prevalent over time.

The special report on the impact of the legislation on individuals was based on a qualitative research study using group discussions and in-depth interviews. Thirty individuals who participated in the group discussions were recruited during contact with the Family Information Services (that monitors both the Reunion Information Register and Contact Veto Register), and the New South Wales Department of Community Services. Since none

of the volunteers who participated in the group discussions had applied for a contact veto, an additional thirty individuals were recruited via an ad in the newspaper or through a referral by the Post Adoption Resource Centre. Once again, while the sample of individuals who participated reflected a broader range of perspectives, it cannot be considered to be representative of the population of individuals involved in adoption. As noted by the authors, the report “does not tell the whole story of adoption and the impact of the Act.” (See section 4.0 of the report.)

The authors noted that it would be very difficult to reach people for whom the adoption remained a family secret, since adoptees would not know and family members who were guarding the information would be apprehensive about coming forward or contacting adoption services. However, one anonymous letter was received from an adoptive parent who saw the disclosure of this information to her 45 year old adoptive son as potentially cataclysmic. The authors concluded that “those who have still not disclosed to their children their adoptive status are caught in an extremely anxious situation in which they have little control over a very fundamental aspect of their family life.” (See section 4.2.4 of the report.)

With respect to contact vetoes, adoptees who had put them in place were often angry at the need to do so. Resentment was expressed about the retroactive nature of the legislation which threatened some families in a very deep and fundamental way. For those families, the potential intrusion by the birth family was found to be very destructive and anxiety provoking. Other issues identified by adoptees and adoptive parents around the contact veto were the perceived pressure from social workers not to have the adoptee place a contact veto and/or pressure to provide a letter and photo when a contact veto was put in place. Some resented having to pay a fee to protect their privacy. Others indicated that a fine was insufficient to restrain someone seeking to override a veto. Some adoptive parents felt that pressure groups had high-jacked the debate leading to the current legislation and that adoptive parents had no rights under the legislation.

Adoptees and birth parents who had been the subject of a contact veto reacted in a variety of ways. While some understood the other party’s need for privacy, others felt resentful or rejected. Nevertheless, even those who had been subject to a contact veto supported the need for a veto provision in the legislation. Birth parents tended to blame adoptive parents for the placing of a contact veto by their children. Interestingly, no birth parents who had put a contact veto in place volunteered to participate in the study.

The honouring of contact vetoes was also examined. Adoptees and their adoptive parents who had put contact vetoes in place had little faith that the potential fine would be sufficient to deter someone from breaking the veto. Although none of the participants had had a contact veto violated or violated a contact veto, one adoptee reported that a friend had experienced a contact veto violation and lived in fear that the disclosure of the information could mean

the end of her marriage. One birth grandmother also indicated a willingness to break the veto under some circumstances. Although it apparently did not violate the contact veto provision in the legislation, one adoptee who had been the subject of a contact veto did contact a half sister and the two sisters proceeded to keep their reunion a secret from their birth mother who had put the contact veto in place. Others confessed a desire to see or gain information about a birth relative who had put a contact veto in place.

The “persons found” survey was conducted by the Post Adoption Resource Centre (PARC). PARC undertook a small study of 41 cases in which contact with a birth relative had been made or attempted. The purpose of the study was to address the concern that the legislation will have a disruptive or damaging impact on the persons who are found. Six social workers provided a brief account of each of their first nine cases. As noted in Chapter 5 of the report of the New South Wales Law Reform Commission, “the small survey must be treated with caution” (p. 44) and “the size of the sample (41) means of course that it would be wrong to attach any precise significance to the results: such surveys can only give a very approximate indication of what the larger pattern might be.” (p. 5)

The results of the survey showed that the majority of persons who were found viewed the experience as being positive or acceptable (66%); however a substantial minority found the experience to be either negative or unacceptable (20%) or equivocal or unknown (15%). The researchers concluded that the experience is negative for between 15 and 30% of the persons who are found.

In their report, the New South Wales Law Reform Commission acknowledged that the first year of operation of the legislation may be different from that of years to come. They also noted that the views of individuals who made submissions to the Committee may not reflect those held by other members of the adoption community and “the fact that a particular view was taken by a certain percentage, say, of birth parents or adoptive parents, may reflect, in part, the effectiveness of lobby groups.” (p. 3)

The Committee recognized the fact that individuals who want to prevent others from knowing their personal information or for whom adoption-related events (e.g., reunions) have been particularly painful, may not have come forward. Moreover, adoptees who are unaware of their adoptive status would not have participated. In fact, it could be argued that individuals who did not participate in the review may be the ones who would be most adversely affected by the legislation. Consequently, “precise conclusions about what has been called the “silent majority” cannot be drawn from the proportion of particular experiences or opinions occurring among those who made submissions.” (p. 3) Similarly, the Committee noted that the number of contact vetoes lodged does not reflect the number of people who may actually want to prevent contact, since some individuals did not lodge a contact veto because they objected to the fees, or believed that the contact veto would be ineffective.

In 2000, the Standing Committee on Social Issues in New South Wales released a report on adoption practices entitled *Releasing the Past - Adoption Practices 1950-1998*. Information was derived from oral and written submissions to the Committee and from sources such as government departments, private adoption agencies, and key stakeholder groups. The Committee did not commission any primary research in preparing the final report and noted that there has been limited research in New South Wales on the effects of the 1990 legislation, and on the impact of reunions on birth parents, adoptees, adoptive parents and other relatives. The Committee concluded that there was “an immediate need for research into the outcomes of the Adoption Information Act, and in particular the reunion process.” (p.166) While the Committee did not do an in-depth inquiry into the effectiveness of contact vetoes, they did note that they were not aware of any prosecutions for breaches since the Adoption Information Act was introduced. Of course, this does not mean that there have been no violations. Individuals may have been reluctant to come forward to report breaches for fear of exposure (wanting to protect their privacy), or may have wanted to avoid taking legal action against birth kin under these circumstances.

In summary, the research and reports on the impact of adoption disclosure legislation in other jurisdictions suffers from the same methodological flaws as the search and reunion research. In most cases, conclusions are based on non-representative samples of the population of individuals involved in adoption and, in all cases, the research was conducted over a very short period of time. In light of the limitations of this research, conclusions must be drawn with great caution. The generally positive impact of the legislation cannot be generalized to the entire population of individuals affected by the legislation. In addition, due to the short-term nature of the research, the long-term effects of such legislation on individuals cannot be determined. **Moreover, in spite of a potential bias in favour of finding positive outcomes, it is important to note that, in all cases, a significant portion of individuals reported being adversely affected by the disclosure of adoption related information.** Finally, in light of the extremely limited amount of short-term research on the effectiveness of contact vetoes in protecting privacy, no definitive conclusions can be drawn about their long-term effectiveness in protecting privacy.

Attitudes toward Opening Adoption-Related Records

Attitudes towards adoption and the unsealing of adoption records have also been the topic of survey research. Although the results of this research are somewhat mixed, this research is often used to support the conclusion that there is public support for the unconditional disclosure of identifying information to adoptees and birth parents.

Miall and March (2005) reported on a Canada-wide telephone survey of 706 respondents randomly selected from across Canada. It is interesting to note that the lower than expected

response rate of 56% was attributed to the lack of salience of adoption issues for the general population. Respondents were asked whether they agreed or disagreed with the unconditional release of confidential identifying information to adult adoptees and birth parents respectively. The results indicated that 84% of respondents agreed that adopted adults should be allowed to find out who their biological parents were without the permission of their adoptive parents; 77% agreed that this information should be available without the permission of their biological parents. There was less support for the unconditional release of confidential identifying information to birth parents, with only 55% agreeing that this information should be available to birth parents without the permission of the adoptive parents, and only 45% agreeing that it should be made available without the permission of adoptees.

To eliminate potential bias in the research, Miall and March (2005) excluded from their sample 60 respondents who identified themselves as birth parents, adoptive parents, or adopted. However, although they describe their research as a study of community attitudes toward adoption, by excluding members of the adoption triad from the sample, the researchers actually made the sample less representative of the community as a whole. It could be argued that the exclusion of the members of the adoption triad inflated the level of support for the unconditional release of confidential information. In addition, it should be noted that a significant minority of the sample (23%) did not support the disclosure of identifying information to adoptees without the permission of their biological parents and the majority of the sample (55%) did not support the disclosure of identifying information to birth parents without the permission of the adoptee. Due to the low response rate and the mixed results, this study cannot be portrayed as providing unequivocal public support for the unconditional disclosure of identifying information to adoptees and birth parents.

Other research has demonstrated that attitudes toward the disclosure of identifying information may be less positive among certain members of the adoption triad and amongst professionals. For example, Sorosky, Baran and Pannor (1989) explored the impact of sealed or open records on adoptees, birth parents and adoptive parents. The researchers obtained their sample by publicizing their interests and research on adoption and inviting individuals to write to them. A wide variety of points of view were reflected in the response to their advertisements. In addition, a sample of birth parents who had written in were contacted and personally interviewed. When specifically asked how they felt about opening the sealed records to adult adoptees, only 53% of the 38 birth parents who were interviewed favoured such a step.

Sachdev (1989) reviewed the adoption studies and concluded that the “bulk of them are methodologically flawed and scientifically deficient.” (p. 17) He designed a study to address some of the methodological limitations of previous research and the general lack of systematic investigation into the attitudes of adoptive parents, birth mothers, adoptees and social work

personnel toward the unsealing of adoption records. The samples of adoptive parents (152) and birth mothers (78) were randomly selected from the records of the Department of Social Services in a province in eastern Canada. Adult adoptees (53) were contacted through their adoptive parents. Seventeen adoption workers were selected from four regional offices of the provincial Department of Social Services. Information was gathered through in-depth interviews with respondents.

The results of the study showed strong support among birth mothers (88.5%) and adoptees (81.1%) for the release of identifying information to adoptees. Although most adoptive parents (69.7%) also support the release of identifying information, their support was generally not unconditional. In addition to the requirement that the adoptee be an adult, “respondents in all groups overwhelmingly approved consent of the birth mother as a condition for permitting adoptees access to this information.” (p. 87) Specifically, the majority of adoptive parents (84%), birth mothers (69%), and adoptees (69.8%) agreed that information should only be disclosed to adoptees with the consent of the birth mother. In terms of the release of adoptees’ information to birth parents, there was considerably less support among birth mothers (69.3%), adoptees (56.6%) and adoptive parents (27.6%), with the majority of adoptive parents (95.1%), birth mothers (74.1%) and adoptees (80%) supporting the prior consent of the adult adoptee as a requirement prior to the disclosure of information to birth parents. There was much less support for the disclosure of identifying information on adoptees to birth fathers.

The results of the study showed that most social workers were “highly supportive of making non-identifying and medical information on birth parents available to adoptees” but were “reticent in divulging the birth parents’ identity.” (p. 187) The majority favoured the release of information to adoptees on the condition that the birth parents provided consent. Social workers were more conservative in the release of information about adoptees to birth parents than in the release of information to adoptees. Although this study is somewhat dated, it does suggest that where representative samples of adoptees, birth parents, and adoptive parents are surveyed in a more systematic manner than in previous research, unconditional support for the disclosure of adoption-related information to adoptees may not be as strong as some studies suggest. In fact, the majority supported the disclosure of information to adoptees and birth parents only with the consent of the individual concerned.

In summary, the survey research assessing attitudes toward the disclosure of confidential adoption information has provided mixed results. Although the research suggests that there is support for the disclosure of adoption-related information to adoptees among the members of the public and those involved in the adoption, there is much less support for the disclosure of adoption-related information to birth parents. However, the volume of this type of research is far too limited to draw any general conclusions about the attitudes of

the public. Furthermore, in the absence of any recent, Canadian surveys using representative samples of adoptees, birth parents and adoptive parents, no conclusions can be drawn about the attitudes of those directly involved in adoptions towards the unqualified disclosure of adoption-related information.

Discussion of the Implications of Research for Adoption Disclosure Legislation

The research on adoption has been portrayed by proponents of open adoption records as providing scientific evidence in support of the position that adoptees and birth parents should have unqualified access to adoption-related information. The conclusions that have been derived from the search and reunion research are that adoptees and birth parents want to be found and, even those who do not want to be found, will find the reunion experience to be a positive one. It has also been suggested that adoptees and birth parents have suffered harm from the secrecy of the past and that the reunion experience can effectively address unresolved issues. The conclusions that have been drawn from research on the impact of adoption disclosure legislation in other jurisdictions are that disclosure does not cause harm to adoptees, birth parents, and the adoptive family and that contact vetoes have proven to be an effective way to protect the privacy of adoptees, birth parents and adoptive parent. The conclusion that has been drawn from surveys of attitudes towards the disclosure of adoption-related information is that there is public support for unqualified access to adoption-related information.

In fact, a close analysis of the research design and methodology used in the bulk of this research reveals a number of shortcomings which cast serious doubt on the generalizability of the results and the validity of some of the conclusions drawn. First, almost all of the research has been conducted using self-selected samples of adoptees, birth parents and adoptive parents, biasing the research in favour of positive outcomes. Second, much of the research has been conducted on adoptees and birth parents who have sought out and attempted to reunite with a birth relative, further biasing the results of the research. Moreover, in many cases, research participants were recruited from search and reunion support groups that advocate search and reunion and open adoption records. Third, our review did not uncover any longitudinal studies on the effects of search and reunion and/or adoption disclosure legislation on representative samples of adoptees, birth parents, or adoptive parents. Consequently, the long-term impact of search and reunion remains unknown. Fourth, our review did not uncover any longitudinal studies on the effects of contact vetoes using representative samples of individuals who have lodged a veto or been subject to a veto. Regardless of the fact that the long-term effectiveness of contact vetoes in protecting privacy has never been systematically investigated, there is a fairly widespread belief among those who wish to protect their privacy that contact vetoes are not effective.

Finally, the literature review revealed no systematic surveys of representative samples of adoptees, birth parents and adoptive parents on attitudes towards unqualified access to adoption-related information. In the absence of longitudinal research using representative samples of adoptees, birth parents and adoptive parents, the research findings are inconclusive. But, although attitudes of those who would be directly affected by adoption disclosure legislation in Ontario are not known, it is clear from the literature reviewed that there are a wide range of experiences and attitudes among those directly involved in adoption.

While the methodological flaws of the research have been widely acknowledged in the adoption literature, these problems are seldom noted when research is used to support a particular conclusion in the open adoption records debate. Nevertheless, arguments favouring open adoption records couched in social scientific research appear to have had only limited success in influencing disclosure policies. Policy makers have recognized that, as noted by Miall and March (2005), “the lobbying activities of large influential groups representing various individuals who are part of the adoption triad seldom represent an articulation of the public interest.” (p. 91) Consistent with this point of view, most courts and legislatures have not been persuaded to provide unqualified access to confidential adoption-related information. Although several jurisdictions have introduced legislation that provides more liberal access to adoption-related information, the provision of completed unqualified, retroactive access is still rare. Instead, legislatures have acknowledged the potential for adverse consequences by incorporating special safeguards into legislative frameworks, including contact vetoes, disclosure vetoes, mandatory counselling prior to disclosure, and/or discretionary authority for the state to block disclosure under appropriate circumstances.

Sachev (1989) noted that “there has been no known systematic study that provided the basis for revision of disclosure policies...Mostly, policies and procedures were introduced using a commonsense approach, more likely in response to lobbying by activist groups, or on the basis of a trendy model.” (p. 6) Based on his own research findings, Sachev (1989) recommended a consent based system for disclosure, noting that:

By now it should be evident that the issue of opening sealed records is highly complex, involving conflicting rights and needs. It brings into focus a serious task of formulating a policy protecting the rights, needs, and guarantees of each party to the adoption ... there was no consensus among members of the triangle on any aspect of the issue, nor was it expected... Given the diversity of views, it is difficult to find a perfect middle group upon which all polarized conflicts are resolved. (p.189)

Similarly, based on a comprehensive review of the adoption literature and his own research conducted using a large randomly selected sample of adoption case files, Carp (1998) concluded the following:

Compromise solutions on issues of secrecy and disclosure should not be summarily dismissed. If the history of secrecy and disclosure in adoption demonstrates anything, it is that extreme positions rarely work in a situation with as many diverse motivations, interests, and rights as those occasioned by adoption. Opponents of openness and disclosure in adoption must recognize that birth mothers and adult adoptees who wish to meet their blood kin have genuine needs and rights... activists should recognize that birth and adoptive parents have a legitimate desire for privacy, whether because they want to start life anew in an imperfect world that still stigmatized unwed motherhood or because they wish to raise a family without interference. If either extreme wins, real people lose. What needs to be established is a unified, easily accessible, effective system of disclosure that operates with the voluntary consent of triad members ... The way to a solution to the difficult issue of sealed adoption records must begin with an acceptance that both sides have legitimate needs and rights. (p.233)

In conclusion, it is clear from the research on adoption that there are a wide range of experiences and attitudes among individuals who are directly involved in adoption. **The body of research provides no conclusive evidence to support one legislative approach over another.** There is no agreement among experts in the area on the issue of open adoption records. Moreover, based on the scientific evidence, there is no way to predict the impact of the disclosure of adoption-related information on any particular adult adoptee or birth parent or to assess, in the context of Ontario legislation, if the contact veto will provide sufficient privacy protection for adult adoptees and birth parents. What is known is that once an individual's privacy has been breached, there is no mechanism for undoing that breach. In our view, one person's right to access information should not override another person's right to privacy. Accordingly, the most prudent means of balancing the competing interests when applying legislation retroactively would be to allow individuals to decide for themselves, given their own life circumstances, whether or not to disclose their own personal information to their birth relatives. This balance can be achieved by incorporating a disclosure veto for previously confidential information into any proposed adoption disclosure legislation. To quote from Carp above, "if either extreme wins, real people lose."



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