

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2025-2026 Regular Session**

SB 381 (Wahab)  
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Fiscal: Yes  
Urgency: No  
AWM

**SUBJECT**

Vital records: adoptees' birth certificates

**DIGEST**

This bill permits an adopted person aged 18 years or older, or, if the adopted person is deceased, their descendant, to obtain their original birth certificate upon request; and deletes certain categories of information which currently may be omitted from a new birth certificate created after a child is adopted.

**EXECUTIVE SUMMARY**

When a person born in California is adopted, the State Registrar generally creates a new birth certificate for the adopted person listing the adoptive parents as their legal parents. The adoptive parents – but not the adopted person or the birth parent – can elect not to have a new birth certificate created. When a new birth certificate is created, the adopted person's original birth certificate is supplanted by this new birth certificate and sealed. A sealed original birth certificate can be produced to a party – including the adopted person – with a court order, which requires a showing of good cause for the disclosure.

This bill gives adopted persons aged 18 years or older unrestricted access to their original birth certificates, or, if the adopted person is deceased, gives unrestricted access to their adult descendants. The author and proponents of the bill – who include both adopted persons and birth parents who gave up children for adoption – argue that giving an adopted person access to their original birth certificate will benefit the adopted person in many ways, including by allowing them to access genetic health information, facilitating access to legal rights (such as establishing membership in a federally recognized Indian tribe), and giving them a better sense of where they came from. The bill also deletes provisions in current law that allow adoptive parents to omit, from a birth certificate created after an adoption, the adopted person's location of birth and the race and color of their parents. The author has agreed to minor

amendments to the bill which, due to the timing of the referrals, will be taken in the Senate Health Committee.

This bill is sponsored by the California Alliance for Adoptee Rights and is supported by the Academy of Adoption & Assisted Reproduction Attorneys; Adoptee Advocates of Michigan; the Adoptee Rights Center; Bastard Nation; Catholic Mothers for Truth & Transparency; the Coalition for Truth and Transparency in Adoption; Concerned United Birthparents; Ethical Family Building; Families Rising; Los Angeles Dependency Lawyers, Inc.; the Louisiana Coalition for Adoption Reform; Mothers for Open Records Everywhere; the National Center on Adoption and Permanency; the New York Adoptee Rights Coalition; Saving Our Sisters; Strong Families Rising; the Women's Collective for Adoptee Equality; and over 1,600 individuals. The Committee has not received timely opposition to this bill. If this Committee passes this bill, it will then be heard by the Senate Health Committee.

### **PROPOSED CHANGES TO THE LAW**

Existing constitutional law provides that all people are by nature free and independent and have inalienable rights, including the right to privacy. (Cal. Const., art. 1, § 1.)

Existing state law:

- 1) Establishes the procedures for the creation and registration of a birth certificate for a person born in California. (Health & Saf. Code, div. 102, pt. 1, ch. 3, §§ 102400 et seq.)
- 2) Requires, except as provided in 3), below, the Registrar to establish a new birth certificate upon the receipt of a report of adoption from any court of record, as specified, for any child born in California and whose birth certificate is on file in the office of the state registrar. (Health & Saf. Code, § 102635.)
- 3) Provides that the Registrar shall not establish a new birth certificate for an adopted child at the request of the adopting parent or parents. (Health & Saf. Code, § 102640.)
- 4) Provides all of the following with respect to a new birth certificate created under 2):
  - a) The new birth certificate shall bear the name of the child as stated in the report of the adoption, the names and ages of their adopting parents, the date and place of birth, and no reference to the adoption.
  - b) The new certificate shall be identical with the birth certificate registered for the birth of a child to natural parents, except, at the request of the adopting parents, the new birth certificate shall not include the name and address of the location where the birth occurred, the color and race of the parents, or both.

- c) At any time after the issuance of a new birth certificate, the adopted parents may request and receive another amended birth certificate that omits any or all of: the specific name and address of the location of the birth; the city and county of birth; and/or the color and race of the parents. (Health & Saf. Code, §§ 102645, 102675.)
- 5) Provides that the new birth certificate created under 2) shall supplant any birth certificate previously registered for the child and shall be the only birth certificate open to public inspection; the prior birth certificate shall be transmitted to the State Registrar by the county recorder or sealed. (Health & Saf. Code, §§ 102680, 102685.)
- 6) Provides that an original birth certificate, after being supplanted by a birth certificate reflecting the adoption, shall be available only upon the order of the superior court of the county of residence of the adopted child or the county granting the order of adoption, under the following circumstances:
  - a) The court may grant the order only upon the presentation of a verified petition setting forth facts showing the necessity of the order, and good and compelling cause is shown for the granting of the order.
  - b) The clerk of the superior court shall send a copy of the petition to the State Department of Social Services (DSS), which shall send a copy of all records and information it has concerning the adopted person with the name and address of the natural parents removed to the court; the court must review these records before making an order.
  - c) If the petition is by or on behalf of an adopted child who has attained the age of majority, these facts shall be given great weight, but the granting of any petition is solely within the sound discretion of the court.
  - d) The name and address of the natural parents shall be given to the petitioner only if they can demonstrate that the name, address, or both are necessary to assist them in establishing a legal right. (Health & Saf. Code, § 102705.)
- 7) Establishes the Information Practices Act of 1977 (IPA), which, among other things, prohibits a state agency from disclosing any personal information in a manner that would link the information disclosed to the individual to whom it pertains unless the information is disclosed pursuant to a stated exception. (Civ. Code, § 1798.24.)
- 8) Establishes exceptions to 7) for the release of information to an adopted person, as follows:
  - a) General background information relating to the adopted person's biological parents may be released, if the information does not include or reveal the identity of the biological parents.
  - b) Medically necessary information pertaining to an adopted person's biological parents may be released to the adopted person or their child or grandchild, provided that the information shall not include or reveal the identity of the biological parents. (Civ. Code, § 1798.24(q), (r).)

- 9) Prohibits, except where expressly permitted or required by statute, DSS or a licensed adoption agency from releasing information that would identify persons who receive, or have received, adoption services. (Fam. Code, § 9201(a).)
- 10) Establishes exceptions to 9) for administrative purposes, including the provision of information to DSS for recordkeeping and evaluation purposes; the exchange of information between birth parents and prospective adoptive parents for specified pre-adoption purposes; the provision of specified information to a juvenile court, county welfare department, welfare agency, or health care provider; and to qualified researchers for research purposes, if specified confidentiality requirements are met. (Fam. Code, § 9201(b)-(f).)
- 11) Permits an adopted person aged 18 years or older, or the adoptive parent if the adopted person is under 18 years of age, to request and receive the medical report of the adopted person and their parents upon request, provided that the names and addresses in the report unless the requesting person has previously received that information. (Fam. Code, § 9202.)
- 12) Establishes, as an exception to 9), a process by which DSS or a licensed adoption agency may release the identity of an adopted person's birth parent or parents and their most current address, or the identity of an adopted person and their most current address, as follows:
  - a) DSS or a licensed adoption agency may, at the request of an adopted person, release the identity of that person's birth parent or parents and their most current address to the adopted person, if (1) the adopted person is 21 years of age or older, and (2) the birth parent has indicated their consent to the release. (Fam. Code, § 9203(a)(1).)
  - b) DSS or a licensed adoption agency may, at the request of the birth parent of a person who has been adopted, release the adoptive name of the adopted person and their most current address if (1) the adopted person is 21 years of age or older, and (2) the adopted person has indicated, in writing to DSS pursuant to 14), that the adopted person wishes their name and address to be disclosed.
  - c) DSS or a licensed adoption agency may, at the request of the adopted parent of an adopted person under 21 years of age, disclose the identity of a birth parent and the birth parent's most current address if DSS or the licensed adoption agency finds that a medical necessity or other extraordinary circumstances justify the disclosure. (Fam. Code, § 9203(a).)
- 13) Requires DSS to establish a form for requests under 12), which must include an affidavit to be executed by the requester stating that, to the best of their knowledge, the requester is an adoptee, the adoptee's birth parent, or the adoptee's adoptive parent; and must advise the adopted person that, if the adoptee consents, their

adoptive parents will be notified of the filing of the request before the release of the name and address of the adoptee's birth parent. (Fam. Code, § 9203(b).)

- 14) Requires DSS to establish a form for an adult adoptee or an adoptee's birth parents to indicate their consent for the release of their contact information upon request of their birth parents or the adopted person, respectively, pursuant to 12); neither DSS nor a licensed adoption agency may solicit, directly or indirectly, the execution of a written consent. (Fam. Code, § 9204.)
- 15) Requires DSS to announce the availability of the method of arranging contact among an adult adopted person, their birth parents, and their adoptive parents pursuant to 12), by using a means of communication appropriate to inform the public effectively. (Fam. Code, § 9203(e).)
- 16) Provides that 12)-15) apply only to adoptions in which the relinquishment for, or consent to, adoption was signed, or the birth parent's rights were involuntarily terminated by court action on or after January 1, 1984. (Fam. Code, § 9203(g).)

This bill:

- 1) Defines "original birth certificate" as a birth certificate issued at a live birth of an individual and that was subsequently supplanted and sealed following an adoption.
- 2) Eliminates the provisions permitting a birth certificate issued after an adoption to omit the specific name and address of the location where the child was born, the color and race of the parents, or both.
- 3) Provides, notwithstanding any other provision of law, that the State Registrar shall provide a copy of an adopted person's original birth certificate to the adopted person, if they are 18 years of age or older, or, if the adopted person is deceased, to a descendant of a deceased adopted person, provided that the adopted person was born in this state.
- 4) Provides that an adopted person 18 years of age or older, or a descendant of the adopted person, may obtain their original birth certificate pursuant to 3) by making a request to either the county where the original birth certificate is held or the State Registrar.
- 5) Requires an original birth certificate provided pursuant to 3) to clearly indicate that it may not be used for identification purposes.
- 6) Provides that all procedures, fees, and waiting periods in place for a request for a certified copy of a vital record shall also apply to a request for an original birth certificate under 3).

- 7) Provides that, if a contact preference form is attached to an original birth certificate pursuant to 9), the State Registrar shall provide a copy of the form at the time the original birth certificate is produced to the adopted person or their descendant.
- 8) Requires the State Registrar to make available to the public a contact preference form to be completed and submitted at the option of a birth parent, with the following selections:
  - a) "I would like to be contacted."
  - b) "I would prefer to be contacted only through an intermediary."
  - c) "I would prefer not to be contacted at this time. If I decide at a later time that I would like to be contacted, I will submit an updated contact preference form to the State Department of Public Health."
- 9) Requires the State Registrar, if a birth parent of an adopted person submits a completed contact preference form to the State Registrar, to do all of the following:
  - a) Match the contact preference form to the adopted person's original birth certificate.
  - b) Attach the contact preference form to the original birth certificate.
  - c) Replace any previously filed contact preference form with a newly completed contact preference form.
- 10) Provides that a contact preference form submitted to the State Registrar is a confidential communication between the birth parent and the adopted person or their descendant, and may be released only in connection with a request pursuant to 3).
- 11) Establishes an exception under the IPA for the release of an original birth certificate to an adopted person pursuant to 1)-10).
- 12) Makes technical and nonsubstantive conforming changes.

### COMMENTS

#### 1. Author's comment

According to the author:

In California, people have the right to access their own vital records – except adoptees. Sealing original birth certificates after adoption is an outdated and discriminatory practice rooted in stigma, not necessity. In an era of DNA testing and genealogy databases, secrecy no longer exists. What remains is a policy that denies adoptees equal access to their own identity.

Withholding original birth certificates can also have real consequences, including limiting access to family medical history, cultural heritage, and critical health information. Adoptees deserve the same autonomy and dignity afforded to every other Californian.

SB 381 modernizes California law by ensuring adoptees have equal access to their original birth certificates. This bill also establishes a process to request an original birth certificate and considers the potential sensitivity of contact between the birth mother and an adoptee by requiring the State Registrar to create a nonbinding contact preference form for birth mothers, available for release when a request for an original birth certificate is made.

SB 381 is about equality, dignity, and bringing California's adoption laws into the modern era.

## 2. Background on the adoption process and the creation of a new birth certificate following an adoption

California law provides processes and procedures for the adoption of an unmarried minor.<sup>1</sup> In broad strokes, a family court may issue an order of adoption when specified criteria are met, including:

- The prospective adoptive parents are at least 10 years of age older than the proposed adoptive child, unless one of the proposed adoptive parents is a specified relative of the proposed adoptive child and the court is satisfied that the adoption is in the best interest of the child and the public interest.
- The child's birth parents consent – or, if there is only one known or presumed parent, the birth parent consents – to the adoption.
- The child, if they are 12 years of age or older, consents to the adoption.
- If the child is an Indian child, as defined, the court satisfies specified requirements under the federal Indian Child Welfare Act (ICWA).<sup>2</sup>
- As applicable, the county adoption agency or the private adoption agency provides specified reports relating to the child and the suitability of the adoption.
- The court determines, after examining all persons appearing before the court, that the interest of the child will be promoted by the adoption.<sup>3</sup>

All court hearings in an adoption proceeding are held in private, and the court must exclude from the hearings all persons except for officers of the court, the parties, their witnesses, counsel, and representatives of the agencies present to perform their official duties under the law governing adoptions.<sup>4</sup> Court documents relating to the adoption

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<sup>1</sup> See generally Fam. Code, div. 13, pt. 1, §§ 8600 et seq. Tribal customary adoptions are not covered by these procedures. (See Fam. Code, § 8600.5.)

<sup>2</sup> 25 U.S.C. §§ 1901 et seq.

<sup>3</sup> Fam. Code, div. 13, pt. 2, chs. 1, 2, & 3.

<sup>4</sup> *Id.*, § 8611.

proceeding are confidential and may not be inspected without a court order, and if documents are provided to a party, the birth parents' names must generally be redacted.<sup>5</sup> Similarly, neither DSS nor a licensed adoption agency may release information that would identify persons who receive, or have received, adoption services, except under specified conditions.<sup>6</sup> The confidentiality of records, and the exceptions to the rule of confidentiality, is discussed further in Comment 3, below.

Following the issuance of an adoption decree, the court must submit a report of the adoption to the State Registrar.<sup>7</sup> The State Registrar must then establish a new birth certificate for the adopted person, which must list the adoptive parents as the adopted person's parents and not refer to the adoption.<sup>8</sup> At the request of the adoptive parents, the new birth certificate shall omit the adopted person's specific place of birth, the birth parents' race or color, or both.<sup>9</sup> The new birth certificate supplants the original birth certificate and becomes the only legal record of birth for that child open to inspection; the original birth certificate must be transmitted to the State Registrar to be held in confidence or sealed by the county registrar.<sup>10</sup>

Alternatively, the adoptive parents may elect not to have a new birth certificate established for the adopted person.<sup>11</sup> Neither the birth parents nor the adopted person has the right to consent or object to the creation of, or decision not to create, a new birth certificate.

### 3. The current procedures by which an adopted person can obtain information about their birth parent(s)

State law currently provides two avenues for an adopted person to obtain information about their birth parents.

First, the Health and Safety Code provides that a superior court may order the release of an original birth certificate, or other information in possession of the State Registrar relating to the adoption, if (1) the request for release is submitted through a verified petition, and (2) the petition sets forth facts showing the necessity of the order and good and compelling cause is shown for granting the order.<sup>12</sup> When the petition seeks the names and addresses of an adopted person's birth parents, that information may be released only if the petitioner demonstrates that the information is necessary to assist them in establishing a legal right.<sup>13</sup> Before granting such a petition, the court must

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<sup>5</sup> *Id.*, § 9200.

<sup>6</sup> *Id.*, § 9201.

<sup>7</sup> Health & Saf. Code, § 102625.

<sup>8</sup> *Id.*, §§ 102635, 102645.

<sup>9</sup> *Id.*, § 102645.

<sup>10</sup> *Id.*, §§ 102680, 102685.

<sup>11</sup> *Id.*, § 102640.

<sup>12</sup> *Id.*, § 102705.

<sup>13</sup> *Ibid.*



obtain the relevant adoption records from DSS.<sup>14</sup> When such a verified petition is submitted by, or on behalf, of an adopted person who is 18 years of age or older, the court must give this fact great weight, but the granting of the petition remains solely in the discretion of the court.<sup>15</sup>

Second, for persons placed for adoption or adopted in 1984 or after, the Family Code establishes a procedure through which an adopted person, or a birth parent, can learn the identity of the other through mutual consent.<sup>16</sup> Specifically, the Family Code requires DSS to establish forms through which an adopted person aged 21 or older, or the birth parent of an adopted person, can indicate their consent to have their name and address released to their birth parent or adopted child upon request from the birth parent or adopted child.<sup>17</sup> DSS is then required to accept applications from adopted persons or birth parents requesting the names and addresses of birth parents or adopted persons; upon receipt of such a form, DSS can check to determine whether the birth parent or adopted person has given consent for the release, and if such consent was given, provide the requesting party with the information they seek.<sup>18</sup> DSS is also tasked with publicizing this program to ensure that birth parents and adopted persons are aware of this option.<sup>19</sup> Additionally, the information can be released to a birth parent's name and address to the adoptive parent of an adopted person under the age of 21 years, if the adoptive parent demonstrates that a medical necessity or other extraordinary circumstance warrants the disclosure.<sup>20</sup>

4. This bill permits an adopted person aged 18 years or older, or their descendant if the adopted person is deceased, to access the adopted person's original birth certificate

The major goal of this bill is to permit an adopted person who has reached 18 years of age, or their descendant if the adopted person is deceased, to access their original birth certificate. The bill accomplishes this by requiring the State Registrar or county – whichever entity holds the original birth certificate – to release the original birth certificate to the adopted person or their descendant upon proper application. This change is intended to give adopted persons, or their descendants, greater knowledge of where they came from, as well as give them better access to health information.

The bill also requires the State Registrar to create a “contact preference form” for birth parents to submit to the State Registrar; the form allows a birth parent to indicate whether they (1) would like to be contacted, (2) would like to be contacted through an

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<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> Fam. Code, § 9203.

<sup>17</sup> *Id.*, §§ 9203, 9204. The information in question might be held by a licensed adoption agency; in such cases, the agency must coordinate with DSS to determine whether consent has been given for the release of the information. (*Id.*, § 9203.)

<sup>18</sup> *Id.*, § 9203.

<sup>19</sup> *Id.*, § 9204.

<sup>20</sup> *Id.*, § 9203.

intermediary, or (3) do not wish to be contacted by the adopted person once their identity is revealed through the release of the original birth certificate. In the event that a birth parent listed on an original birth certificate has completed a contact preference form for an original birth certificate that is subsequently requested by the adopted person or their descendant, the State Registrar or county that holds the birth certificate must deliver the contact preference form along with the original birth certificate. The contact preference form is non-binding. The bill specifies that the contact preference form is a confidential communication and cannot be released except in connection with the release of an original birth certificate to the adopted person or their descendant.

The bill makes conforming changes to the IPA to ensure that the release of an original birth certificate to an adopted person or their descendant is not blocked by that Act. The bill also provides that, outside of the procedure established for adopted persons or their descendants, an original birth certificate may be released only with a court order upon a showing of good cause.

The author has agreed to minor amendments to the release procedure, as well as a delayed implementation date to permit the State Registrar to develop and publicize the availability of the contact preference form. These amendments are set forth below in Comment 6.

In addition to the major change discussed above, this bill eliminates the provisions permitting adoptive parents to request that a new birth certificate omit (1) the location and address of the adopted person's place of birth, or (2) the race and color of the adopted person's birth parents. These changes apply both to the provision for the creation of a new birth certificate following an adoption and to the provision allowing adoptive parents to request a subsequent new birth certificate that omits that information.

#### 5. The privacy questions raised by this bill

The California Constitution expressly states that every person has an inalienable right to privacy.<sup>21</sup> "Legally recognized privacy interests are generally of two classes: (1) interests in precluding the dissemination or misuse of sensitive and confidential information ('informational privacy'); and (2) interests in making intimate personal decisions or conducting personal activities without observation, intrusion, or interference ('autonomy privacy')." <sup>22</sup> At the same time, California's "privacy right is not absolute and at times must yield to other important interests." <sup>23</sup> The privacy implications of this bill are discussed below.

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<sup>21</sup> Cal. Const., art. 1, § 1.

<sup>22</sup> *Hill v. NCAA* (1994) 7 Cal.4th 1, 35.

<sup>23</sup> *Grafilo v. Soorani* (2019) 41 Cal.App.5th 497, 507.

- a. *Does California's constitutional right to privacy compel, or prohibit, the changes in this bill?*

State law currently treats original birth certificates as confidential, to be released only by a court order and a showing of good cause.<sup>24</sup> State law also currently offers an opt-in process for reuniting adopted persons with their birth parents, i.e., one in which both parties must give affirmative consent to the exchange of personal information. This bill, by allowing adopted adults (or their descendants) to access their original birth certificate as a matter of course, removes a birth parent's interest in their anonymity – if any – from the equation.

The proponents of the bill argue that birth parents have no cognizable privacy interest in their name as listed on an original birth certificate. They argue that, to the extent the law imposes confidentiality on adoption-related documents, these measures were intended to protect the privacy of *adoptive* parents, not birth parents. For example, the law grants the adoptive parents, not the birth parents, the right to elect whether to create a new birth certificate or to keep the original birth certificate following an adoption.<sup>25</sup> The Legislature passed this law in 1968, so one could argue that birth parents have been on constructive notice since 1969 that their identity might not be a secret.<sup>26</sup> Also, at a more practical level, adoptive parents are given information relating to an adopted child's birth parents which they may or may not retain, and may or may not share with their adopted child; absent an express agreement to the contrary, the birth parent would have no control over what information is passed on to their natural child.

The proponents of the bill also argue that there are countermanding reasons why disclosure of an original birth certificate should override any privacy interest held by a birth parent. These include: access to familial health information; the ability to access legal benefits, i.e., when a child is an Indian child who needs an original birth certificate to establish tribal membership; and an adopted person's interest in knowing their origins.

On balance, it does not appear that there is a clear constitutional mandate one way or the other for this bill. The bill does not seek an additional privacy right, and it does not appear that the constitution compels the state to keep birth parents' identities confidential, given that adoptive parents retain such discretion over whether to share that information. The bill therefore raises policy questions, not constitutional ones.

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<sup>24</sup> Health & Saf. Code, § 102705.

<sup>25</sup> *Id.*, § 102645.

<sup>26</sup> See SB 310 (Sherman, Ch. 485, Stats. 1968).

- b. In the absence of a constitutional mandate, what are the privacy implications of the bill as a matter of policy?*

The proponents of this bill assert that this bill will have little, if any, effect on privacy. They argue that, with the advent of widespread genetic testing and ancestry sites, the release of an original birth certificate is actually the least-invasive method by which an adopted person can learn the name of their original parent(s). Some of the proponents also assert that this bill is not about contacting birth relatives, but is instead about allowing adopted persons to learn more about their origins; other proponents, however, assume that SB 381 will be used to further contact between the adopted person and their birth parent(s).

To the extent that a birth parent does not wish to be contacted, the bill does provide the option of submitting a contact preference form to the State Registrar. If a birth parent fills out and submits a contact preference form, it will be provided to the adopted person along with their original birth certificate. It is unclear, however, how effective the contact preference form will be. First, SB 381 puts the onus on the birth parent to submit a contact preference form; it is unclear how many birth parents will be aware of this option or go through the steps of filling one out. Second, the form is non-binding, meaning there is nothing to prevent an adopted person from contacting their birth parent in spite of the parent's wishes. The author has agreed to amendments to give the State Registrar time to develop and publicize the existence of the form before original birth certificates can be released; these amendments are set forth in Comment 6, below.

There is also, unfortunately, a gendered component to the disclosure of an original birth certificate. California law requires the birthing parent (virtually always the mother) to be listed on the birth certificate; the listing of a second parent (virtually always the father) is optional, depending on the circumstances and what information the mother provided at the time of birth.<sup>27</sup> As a result, released birth certificates will virtually always disclose the identity of the mother, but not necessarily the father.

Proponents of the bill are adamant that *any* concern for the privacy of birth parents — especially birth mothers — is at best a red herring, and at worst a bad-faith argument. The Committee has received numerous letters insisting that the question of birth mother privacy is a non-issue because, they say, birth mothers want to be contacted. Some of these letters come from birth mothers who, themselves, are open to the disclosure of their identities after harrowing experiences in which they were essentially forced to give up their children. For example, Catholic Mothers for Truth & Transparency writes:

For too long, organizations who facilitated the relinquishment of our children have spoken for us continually claiming we not only needed their protection at

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<sup>27</sup> See Health & Saf. Code, § 102425.

the time we found ourselves pregnant and unwed, but that we still need protection today from our adult sons/daughters whom we were separated from through adoption. In doing so, they have co-opted our voice to formally oppose allowing adult adoptees to access their original birth certificates. Frankly, this is infuriating because it's the exact opposite of how we feel. We write today as a collective voice to tell you for ourselves what is actually best for us. We thank you in advance for your time and for this opportunity to speak out on this important issue.

Esteemed legislators, it pains us to state the grim reminder that history has not been kind to us. When we found ourselves pregnant — and for most of us, unwed — we were blamed wholly for our situation. We were shamed and humiliated. Many of us were sent away to Catholic maternity homes where we were stripped of our identities and forced into silence. We were gaslighted by Catholic authorities to believe we deserved the shame and humiliation they bestowed upon us, gaslighted to believe we were not good or strong enough to keep our babies, that we didn't love them unless we gave them up. By the time this heinous system was done with us, it had accomplished exactly what it had set out to do: render us powerless, alone, and broken to the point where we had no other choice but to relinquish our babies.

As you can imagine, healing from this unspeakable trauma is not easy nor is it swift. The secrecy and the shame we carried affected the very essence of life itself, our relationships — everything from the way we parented subsequent children to the way we connected with our partners, our aging parents and many other important people in our lives. It wasn't healthy for us or anyone in our lives for us to keep carrying this heavy burden alone. So we had to do the work to heal. Only when we began to embrace the truth — the truth that we were coerced by shame and humiliation to give up our children — only then could we forgive ourselves and work to repair the damage left in the wake of our trauma. For many of us, a reunion with our adult sons/daughters is needed as part of our healing. Like any mother who has lost her child, we need to know they are okay.

Other proponents cite studies relating to birth mother openness to disclosure, such as a letter from the National Center on Adoption and Permanency citing a study showing that 90 to 95 percent of birth mothers “want some level of information or contact with the lives that they created.”

The proponents may be correct that birth parents, as a general rule, are open to the disclosure of their identities to their adopted offspring. The Committee did not receive timely opposition to this bill, or even — as of the time of this analysis's release — untimely opposition. It is difficult to say, however, whether this reflects a true lack of opposition, or is a result of the span of time the bill has been in print. Specifically, this bill went into print on January 5, 2026; this analysis is being released five days later.

There is also a potential Catch-22 here: birth parents who wish to stay anonymous cannot both stay anonymous and lobby for their own anonymity.

In the absence of opposition to SB 381, the proponents' allegation that it is paternalistic to prioritize hypothetical birth parent concerns over the interests of actual adopted persons and birth parents has some merit. At the same time, the difficulty posed for birth parents who wish to remain anonymous remains a concern. Going forward, the author and proponents may wish to consider whether additional protective measures for birth parents who wish to remain anonymous, or uncontacted, are feasible.

*c. Other states' approaches*

At least 16 states currently grant an adopted person unconditional access to their original birth certificate.<sup>28</sup> There are variances between the details of these states' laws; for example, some states allow an adopted person to access their original birth certificate at 18 years of age, while others set the bar at 21 years of age; some states allow some category of an adoptee's descendants to access an adopted person's original birth certificates, while some do not. Many of these laws have been enacted fairly recently, and, as the proponents of the bill note, there are no widespread reports of negative consequences resulting from adopted persons being permitted to access their birth certificates.

Notably, other states' laws authorize other parties — such as the birth parent or a federally recognized Indian tribe — to obtain an original birth certificate, not just the adopted person or their descendants. Going forward, the author and sponsor may wish to examine further whether valid policy goals could be achieved by expanding the bill beyond adoptees or, if the adoptee is deceased, their descendants.

## 6. Amendments

As discussed above in Comments 4 and 5, the author has agreed to amendments to (1) make minor clarifying changes, and (2) give the State Registrar time to develop and publicize the contact preference form before permitting an adopted person to access an original birth certificate. These amendments are set forth below, subject to any nonsubstantive changes the Office of Legislative Counsel may make.

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<sup>28</sup> See Ala. Code § 22-9A-12 (Alabama); Alaska Stats. § 18-50-500 (Alaska); Col. Rev. Stats. § 19-5-305 (Colorado; birth parents who sent in a consent form prior to January 1, 2016, are still entitled to have their names redacted from an original birth certificate released to an adopted person); Conn. Gen. Stats. § 7-53 (Connecticut); Ga. Code, § 31-10-14 (Georgia); Kan. Stats. § 65-2423 (Kansas); La. Rev. Stats. 40:73 (Louisiana); Me. Rev. Stats., tit. 22, § 2768 (Maine); Mass. Gen. L., tit. 46, § 2B (Massachusetts); Minn. Stats. Ann., § 144-2252 (Minnesota); N.H. Rev. Stats. § 5-C9 (New Hampshire); McKinney's Public Health Law § 4138-e (New York); Or. Rev. Stats. § 432.229 (Oregon); R.I. Gen. Laws 1956, § 23-3-15 (Rhode Island); S.D. Codified L., § 34-25-16.4 (South Dakota); 15 Vt. Stats. Ann. § 6-107 (Vermont).

Amendment 1

At page 9, at the beginning of line 26, insert “person aged 18 years or older who is a”

Amendment 2

On pages 9 and 10, provide that the current version of Health & Safety Code section 102705 shall be repealed, and that the version of Health & Safety Code section 102705 set forth in SB 381 shall be added, on January 1, 2028.

Amendment 3

At page 10, in line 4, insert “or the descendant” after “the adopted person”

Amendment 4

On page 10, in line 32, insert “on or before July 1, 2027,” after “public,”

Amendment 5

On page 11, after line 17, insert:

(d) Notwithstanding any other law, the State Registrar shall announce and publicize the availability of the contact preference form utilizing a means of communication appropriate to inform the public effectively.

7. Arguments in support

According to the California Alliance for Adoptee Rights:

Adoptees want and deserve their [original birth certificate (OBC)] because it is theirs. In passing similar laws in other states, legislators have recognized that it is a fundamental right to have access to one’s OBC. It is a matter of transparency, dignity, and equal rights. They further recognized that times have changed since the days of shame and stigma associated with being adopted, or illegitimate, and the legislature must likewise change.

There are also potential negative consequences to not having one’s OBC. There are potential health risks from not having access to family history, which may result in multi-generational harm. Adoptees and their descendants might also face higher health costs from having to treat diseases that could have been prevented with proper knowledge about their family health risks. Access to one’s biological and historical roots is integral to one’s identity and critical to one’s physical and mental health. Further, maintaining secrecy perpetuates the stigma and shame previously associated with being adopted. Adoptees might also be denied membership in groups to which they belong (such as California

born Native Americans) without their OBC to prove lineage. Adoptees adopted at an older age might be denied a passport due to the date discrepancy between their two birth certificates...

Even if some small percentage of birth mothers do not support access, current law does not prevent learning one's identity or making contact. Birth mothers and their relatives are routinely contacted through DNA testing, search angels, and social media, without access to OBCs. Our goal is not contact, which is often possible now, our bill will simply provide us with our OBC, the true record of our birth. It is worth noting, though, that SB 381 is far less intrusive in that only the adoptee will see the OBC, rather than the entire family seeing DNA results or being contacted and then speculating as to who the birth parents might be. It should also be noted that our bill provides for a nonbinding birth preference form for parents to express their preference.

### **SUPPORT**

California Alliance for Adoptee Rights (sponsor)  
Academy of Adoption & Assisted Reproduction Attorneys  
Adoptee Advocates of Michigan  
Adoptee Rights Center  
Bastard Nation  
Catholic Mothers for Truth & Transparency  
Coalition for Truth and Transparency in Adoption  
Concerned United Birthparents  
Ethical Family Building  
Families Rising  
Los Angeles Dependency Lawyers, Inc.  
Louisiana Coalition for Adoption Reform  
Mothers for Open Records Everywhere  
National Center on Adoption and Permanency  
New York Adoptee Rights Coalition  
Saving Our Sisters  
Strong Families Rising  
Women's Collective for Adoptee Equality  
Over 1,600 individuals

### **OPPOSITION**

None received<sup>29</sup>

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<sup>29</sup> The Committee received letters in opposition to the bill before it was gutted and amended on January 5, 2026; these letters are not relevant to the current version of the bill.



### **RELATED LEGISLATION**

Pending legislation: None known.

Prior legislation:

SB 1274 (Eggman, 2024) was substantially similar to this bill. SB 1274 died in the Senate Health Committee.

AB 1302 (Lackey, 2023) would have provided new mechanisms by which individuals who were adopted via a closed adoption may obtain their original unredacted birth certificate reflecting their birth parents' identifying information, with different procedures for persons whose adoptions were completed before and after January 1, 2025. AB 1302 died in the Assembly Health Committee.

AB 372 (Ma, 2009) would have allowed an adult adoptee access to his or her original birth certificate in cases of medical necessity regarding a serious health condition. In addition, the bill would have provided adoptees age 25 and above with access to their original, unredacted birth certificates unless a birth parent expressly objected. AB 372 died in the Assembly Appropriations Committee.

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