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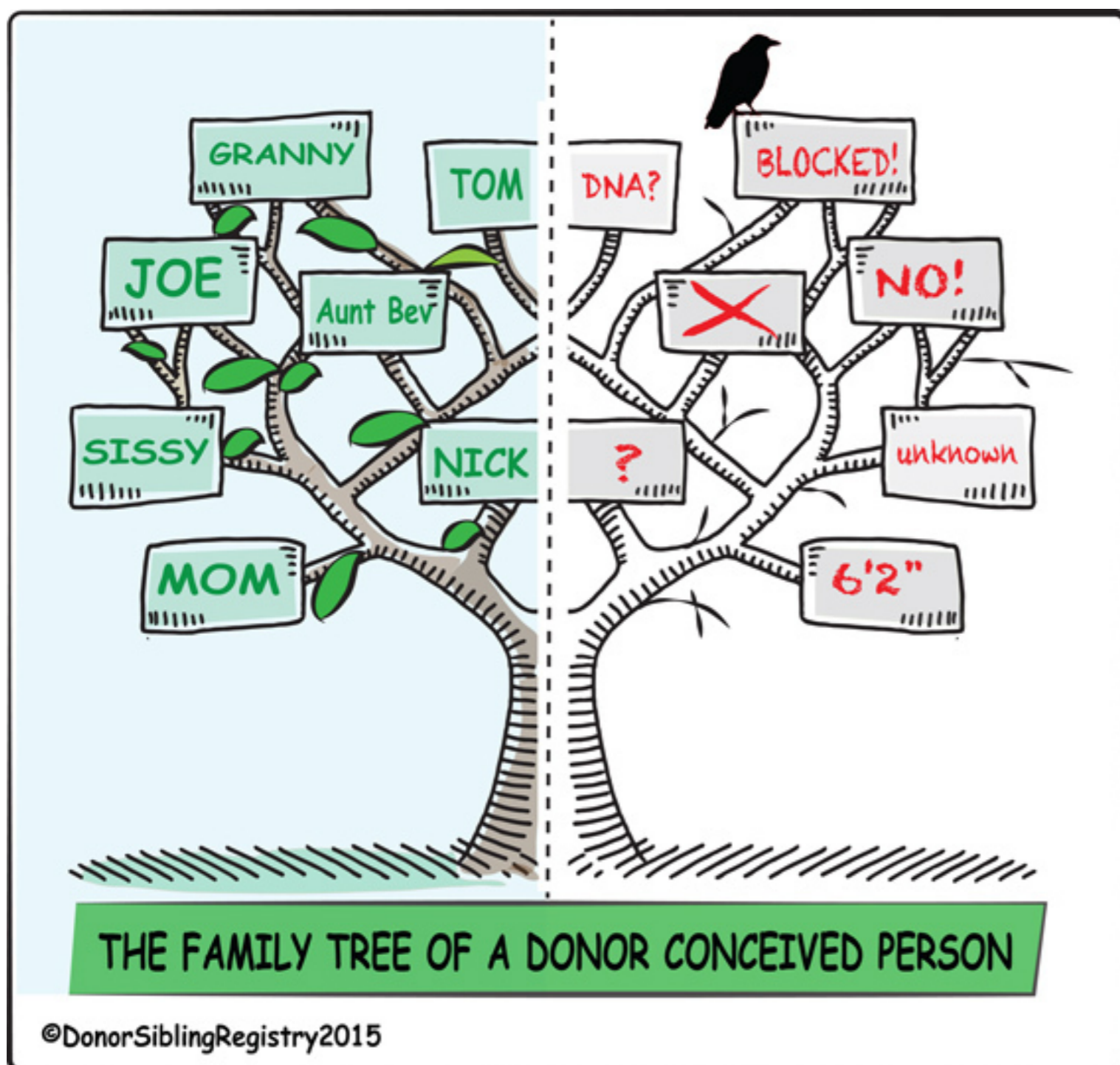
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Co-Founder and Director of the Donor Sibling Registry

Biology and Birth Certificates: Our Right to Accuracy

Posted: 10/16/2015 5:40 pm EDT | Updated: 10/16/2015 5:59 pm EDT



Most U.S. citizens raised by their biological parents never question whether the information on their birth certificates is accurate. With the evolution of adoption and alternate means of conceiving a child, "accurate" is an increasingly subjective term. Is the purpose of a birth certificate to portray a biological account of a person's birth parents, or is it an account of one's "legal" parents -- the ones responsible for raising them?

The U.S. Bureau of the Census created Birth Certificates in the beginning of the 20th Century as a means of tracking the effects of disease and urban environments on mortality rates. The task of issuing birth certificates was transferred to the Bureau of Vital Statistics, a division of the Department of Health and Human Services, in 1946 where it was decentralized into our familiar state systems of today.

As the document evolved over the last century, so has its purpose. It has become an important (if not our sole) means of identification when we obtain anything from a driver's license to a passport. It has also become an indispensable tool for genealogical researchers.

So how do we decide who should be listed in the categories of "Mother" and "Father" on a birth certificate?

For donor-conceived and adopted people, there is oftentimes a clear distinction between one's genetic parents, those with whom you share DNA, and one's legal parents, the ones who have rights and responsibilities attached to their parenthood, and most-times, the ones who are raising them.

However, ever-increasing numbers of individuals in both situations are clamoring for reform, namely their right to have a birth certificate that portrays accurate biological background as well as their legal parentage.

Our birth certificate practices concerning non-biological parents began with adoption. In the mid-20th Century, there was rising concern that adopted children's birth certificates read "illegitimate." In response, states began to issue adoptees amended birth certificates, listing the adoptive parents as if they were the genetic parents, thus hiding the shame of the child's illegitimacy and the adoptive parents' infertility. The originals containing the biological parents' names were sealed and not available to anyone (including the adoptee) except by court order. The new birth certificates showed no indication that they had been amended, which gave adoptive parents an easy way to not tell their children of their adoption.

Despite the fact that "legitimate/illegitimate" language was replaced with the mother's marital status in 1979, the practice of amending birth certificates to reflect legal parentage persists to this day. In most states, adoptees original birth certificates remain sealed.

No federal birth certificate revision has been issued to address donor conception scenarios. Therefore, married couples in all states who use donor sperm are automatically granted the right to list the husband as the father and women who use donor eggs to become pregnant are listed as mothers on birth certificates. No official asks them if they used any donated gametes to conceive, or for any information about the donor who is genetically related to the child. In addition, in some states, the biological parent and the gay co-parent can both be listed on the birth certificate.

So many believe that they share the same ancestry and medical background as both parents listed on their birth certificate, when instead, they were adopted or an egg or sperm donor has been used, and the child shares their DNA with an unknown person(s).

There is a whole host of concerns raised by adoptees and the donor-conceived, including the right to identity, ongoing medical history, biological heritage, and the right to know their genetic parents. How do we deal with an adopted or donor-conceived person's right to an accurate birth certificate? Looking ahead, do we keep the same birth certificate structure, or is some sort of adjustment needed?

Our federal government has been agonizingly slow to address these issues, if it acknowledges them at all. There is a long history of deferring what it considers "family law" to the states, including how parentage is listed on birth certificates and whether or not adoptees can obtain their original birth certificates.

This has caused many to attempt to circumvent their state system by hiring private detectives, posting their information on the Internet, or using commercial DNA testing companies. 23andme, Ancestry.com and Family Tree DNA now have hundreds of thousands of submissions and are helping connect thousands of family tree branches to one another. In addition, almost 12,500 donor-conceived people have connected with their genetic relatives on Donor Sibling Registry (DSR). Unfortunately, none of these methodologies guarantee the finding one's biological parents.

The birth certificate problem exists in other countries as well. As adoptees and donor conceived people across the world find their genetic relatives and parents, some have taken the task of proper documentation into their own hands.

Earlier this year, a donor-conceived woman in the UK successfully had her birth certificate amended to remove her legal father, and have the place for "father" blank, as she has an unknown biological father (sperm donor).

Currently, a man in Australia is petitioning the courts to do the same, removing his (now deceased) father from his birth certificate, saying, "I'm doing this because I want an accurate and factual record of my conception, of birth." He goes on to say, "It's not just for my kids but also my descendants in that if anybody in the future was to conduct genealogy research on our family, I don't want them to go down the wrong path and if they have an inaccurate birth record, they will basically believe a lie."

Adoptees are expressing the same concerns about descendants being able to connect the dots when researching their ancestry. Because two birth certificates exist in adoption, there's no guarantee that the factual one would be released & therefore "searchable" by descendants. This has led many adoptees in the U.S. legally change their names to reflect biological relationships.

Ignorance of biological ancestry has had devastating consequences for some. In the U.K. in 2008, twins that were separated and adopted at birth unknowingly married each other. This year, a Brazilian couple found out after they were married that the same biological mother had abandoned them as infants. Random meetings amongst half siblings are not uncommon, as many have reported in the news, and on the DSR. One mom realized that a distant relative, one whom she and her children had spent time with at family gatherings, had donated sperm and was in fact the biological parent of her children.

Although cryobanks claim to limit the number of births to one donor, this clearly isn't the case. We have seen as many as 200 half siblings from the same donor connect on the DSR, and there are many more groups of 30, 50, 75 and more... and these are only those families that have registered on the website. Clearly, this poses a public health crisis, in the case of shared genetic illness, or if the offspring are in a concentrated geographic area and/or do not know they are donor-conceived.

The U.S. does not require cryobanks to keep accurate records on sperm donor families, nor are they forced to limit the numbers of children born to any single donor. If a donor reports a serious illness, there is no way for the sperm banks to notify all involved families. Diseases such as NF1, Lynch Syndrome, Cystic Fibrosis, and HCM, a sometimes-fatal genetic heart condition, have all been reported on the DSR, and have been written about in the media. Hundreds of other medical conditions have also been reported and shared amongst DSR families and the sharing of this type of information has saved lives. The problem is that the DSR is a voluntary website, and in most cases, all families will not be listed and contactable.

The US Surgeon General reports on their [website](#) that, "A recent survey found that 96% of Americans believe that knowing their family history is important." To help Americans focus on the importance of knowing family health history, The US Surgeon General along with the Department of Health and Human Services created the "Family Health History Initiative." The website notes that, "Tracing the illnesses suffered by your parents, grandparents, and other blood relatives can help your doctor predict the disorders to which you may be at risk and take action to keep you and your family healthy." It certainly begs the question why the Department of Health would, by its refusal to address this birth certificate crisis, prevent millions of donor-conceived and adopted people from having access to this information.

The United Nations felt the need to address identity in Articles 7 and 8 in its [Convention on the Rights of the Child](#):

"The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality..." (CRC Article 7) and "States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations..." (CRC Article 8).[3]The U.S. has yet to ratify this treaty.

Donor conceived adults in the [International Donor Offspring Alliance](#) list these as their "Summary of Aims":

We assert that people have a moral right to know the truth about their personal history. Where the state has custody of relevant information it has a duty not to collude in deceiving or depriving individuals of such information.

Adoptee rights organizations have been fighting for the right to identity, including the unsealing of original birth certificates, for decades. American Adoption Congress states on its website:

[The American Adoption Congress](#) believes that growth, responsibility, and respect for self and others develop best in lives that are rooted in truth. The AAC is therefore committed to achieving changes in attitudes, policies, and legislation that will guarantee access to identifying information for all adoptees and their birth and adoptive families.

It follows that:

- *The truth about an adopted or donor-conceived person's genetic and social parentage should be recorded on their relevant public documentation.
- *In the normal course of events of life it should be impossible for a person to fail to find out that they are adopted or donor-conceived.
- *The principal legal instrumentality of this should be the person's birth certificate.

Since 1902, the U.S. has made twelve Standard Birth Certificate revisions. Legitimate concerns raised by the adoption and donor communities suggest a thirteenth federal revision should be made to accurately portray biological identity on birth certificates and ensure that procedures are uniform in every state.

Most in the adoptee rights community feel that issuing two birth certificates to adoptees is a leftover relic from an era of shame and secrecy and should be abolished altogether. We believe it is important to issue one certificate only so information cannot be hidden from the individual by parents or the government.

It is no question the best interests of the child should be paramount. With this in mind, for both adoptee and donor situations, we would recommend a U.S. Standard Birth Certificate revision expanding the "two parent only" format to include categories for Legal Parents, Genetic Parents, and Surrogates. In the case of adoptees, we would like to see the child's birth name recorded along with his or her legal/adoptive name.

If the birth certificate is amended in any way (such as adding legal parents when an adoption is finalized) it should be unlawful to omit any original information, including biological relations, from the new copy. We would also seek to abolish anonymous donor conception, or at the very least, list the clinic and the donor ID on birth certificates.

We understand and acknowledge that this recommended system is not perfect. Whether a child is adopted, donor-conceived, or not, parents can always lie on a birth certificate. As donor conception is more easily hidden than an adoption, we advocate the establishment of a national registry where clinics and hospitals would be required to record donors and their children.

This has already taken place in several countries, most recently in September 2014 in Ireland, which is in the process of abolishing anonymous gamete donation and creating a national birth register for donors and their offspring. [The Children's Rights Alliance was quoted in the Irish Examiner](#) saying, "We know the pain caused to the many adopted people who can't establish the identity of their parents. This bill will ensure that donor-conceived children will not share the same pain."

There has been much debate in the donor and adoption communities on the "true" purpose of a birth certificate. Certainly, its original and enduring purpose is to keep accurate records for the good of public health. For the individual, a birth certificate has become an indispensable proof of identity and ancestry. It should be of utmost concern to our Department of Health that birth certificates are serving neither purpose for the adopted and donor-conceived.

The time for birth certificate reform is now. Unfortunately for many, it should have happened decades ago.

Cartoon by Jen Moore.

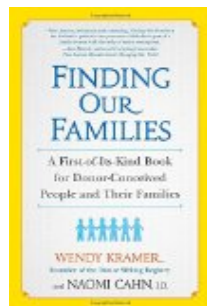
Co-Written with Kristi Lado, Board Member Pennsylvania Adoptee Rights (PAR), Contributor to Adoption Therapy: Perspectives from Clients and Clinicians on Processing and Healing Post-Adoption Issues by Laura Dennis.

Follow Wendy Kramer on Twitter: www.twitter.com/DSRWendy

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Finding Our Families: A First-of-Its-Kind Book for Donor-Conceived People and Their Families
by Wendy Kramer, Naomi Cahn



Conversations

10 Comments

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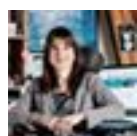
Add a comment...



Maggie Beaumont · Philadelphia (Pennsylvania)

This is a great article. I wish it had mentioned the fact that 20th Century birth certificates listed the mother's husband as the father by law, and because the system took the mother's marital status as evidence of the child's paternity. In some places it was impossible to get the actual bio-dad's name on the certificate, even with the husband's consent. Not to mention those cases in which a secret affair was never acknowledged. So I'm not convinced that children ever had an established right to their paternal DNA lineage, except by convention. Plus those families in which facial resemblance is prominent.

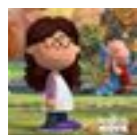
Like · Reply · 3 · Oct 18, 2015 4:44pm



Wendy Kramer · Director & Co-Founder at Donor Sibling Registry

The DSR was free too for the first five years, (used my own money to build the site) as many of the copycat sites that have come and gone over the years have been. When you only have a few hundred members, it's easy to be free. Once we hit several thousand, I just couldn't do it on my own anymore, as we are not just a website but a legitimate charity organization. It takes money, hundreds of man hours per month, and outside help like database/website technical support to run the organization. If you want to find matches, you're more likely at a site with more than 47,600, as we have matched 1... [See More](#)

Like · Reply · 3 · Oct 17, 2015 1:46pm · Edited



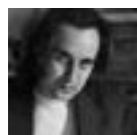
Kathleen Hosley · Enthusiastic Ferret at Live Laugh Love

Go ahead and change birth certificates to permit spaces for the biological parents and the legal parents - it's not hard to enter the same names twice where that happens to be true.

But if you're going to demand that hospitals list sperm and egg donors on the BC, then let's be done with all the nonsense and insist that every newborn be given a paternity test and *only* the correct biological father listed as such. Maternity staff are well aware that based on newborn blood typing alone, easily 1 in 10 'fathers' listed on birth certificates - aren't.

So how about we make a move towards fairness for everyone, and stop acting as though pregnant women have the right to lie, deceive, and hide all evidence of accurate paternity when it's to their convenience?

Like · Reply · 1 · Oct 18, 2015 6:25pm



Wolfgang Borchert · Hamburg

Wendy, I can't hide I am extremely doubtful about genetic. I found this , relating the use by cops of 23andme or Ancestry in order to retrieve murders through their relatives. (<http://rebrn.com/.../cops-are-asking-ancestrycom-and.../>). A good thing, in the sense murders will be more easily identified, but what about all the people protected by anonymity, especially in the military, legal or administrative fields ? One genetic trace on a paper or any object and I can retrieve a person through a relative : stressing, isn't it ?

Like · Reply · 1 · Oct 18, 2015 11:47am



Thomas Smith

Texas, what a proud state to be from.....a LONG LONG LONG way from!

Like · Reply · Oct 17, 2015 5:05pm



Wolfgang Borchert · Hamburg

Hmm... I am not sure that "DonorChildren" message is predictive of any future ethical behavior. Never mind, my question is much more about underlying "right to know your genealogy" based on real genes. Here again, the "you can" becomes "you have to". Suppose I am your sperm donor, and you found me. Fine, but not enough, you want to know more about your genetic lineage. But what if I do not want to know if my father is my bio-father and my children are my bio-children ? None can force me to know. Then your right to know is facing my right to not know. It means you will only know that my family is yours in the sense I give and not in the sense, you give, genetic. I am afraid the viability of your proposition is not optimal, in that sense it implies anyone would have accept to know his/her bio-story. Or if any right to know should exist, limits have to be clearly made. Don't force people, provide them tools like DSR and let them manage that themselves. It is not ideal but it is optimal.

Like · Reply · Oct 17, 2015 5:36pm



Karen Long-Clark

https://www.youtube.com/watch?v=HuMMrcDY_84

Like · Reply · Oct 21, 2015 4:20am



Rick Griggs · Boss Hawg at Self Employed and Loving It!

If you ask an Okie what to do with Texas, he'll say build a wall between them and us....if you ask a Texan what to do with Texas, he'll say build the wall all the way around the state. If you ask everybody else, most will say they should fill the wall with water.....

Like · Reply · Oct 17, 2015 5:13pm



DonorChildren

Join the FREE social network www.DonorChildren.com! Everyday sperm/egg/embryo/surrogate 'donor' conceived, 'donors' and parents are connected for support and in the effort of connecting lost biological family. Please share! Our memberships are free and never expired.

Like · Reply · Oct 17, 2015 5:21am · Edited



Jennifer Bartels Moore · Hammond

I concur with Wendy in that if you wish to have your own free site, don't be a remora. There is no comparison to the years of building, brick by brick, the dedication, and quality that Donor Sibling Registry brings us. Not to mention, it's a not for profit 100% dedicated to the support of the donor conceived, donors, and their families. The price per year is VERY SMALL for what is received, and especially the lifetime membership is a GREAT deal.

Like · Reply · 2 · Oct 17, 2015 9:14pm



Mirah Riben · Author, freelance writer and lecturer at The Huffington Post

BRAVO!!! Excellent, superb, thoughtful and comprehensive presentation of complicated issues.

I wholeheartedly support your premise and the fact that the human rights of the child must be the prime concern and focus. I discussed these very same issues in my article on the subject, "Are Parents Disposable and Interchangeable."

<http://www.huffingtonpost.com/.../are-parents-disposable...>

I am not sure that I agree with your proposed solution, however. For one thing, you do not address step-parent adoptions that can take place up until a person is legally an adult and many other adoptions, such as... [See More](#)

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