





A Response to New Jersey Right to Life's Call to Oppose A1406

Led by faulty assumptions and a lack of practical experience in the field of relinquishment and adoption, NJRTL may be straying away from their important mission to protect and foster human life.

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What States have OBC Access Legislation?

STATE	DETAILS OF STATE STATUTES
Alaska	Never sealed Original Birth Certificates (OBCs)
Kansas	Never sealed OBCs
 Tennessee	Access since 1995
 Delaware	Access since 1999
 Oregon	Access since 2000
 Alabama	Access since 2000
New Hampshire	Access since 2005
Maine	Access since 2009
Colorado	OBC access for adoptions finalized between 7/1/1951 to 6/30/1976 and 9/1/1999 to present
Indiana	OBC access for adoptions finalized prior to 1940
Massachusetts	OBC access for adoptions finalized prior to 4/14/1974
Montana	OBC access for adoptions finalized prior to 2/2/1964
Ohio	OBC access for adoptions finalized prior to 1/1/1964 and 9/1996 forward

Since the most recent abortion data is from 2005 and earlier, these four states are the most relevant to analyze NJRTL claims that OBC access will “cause more abortions”.

Why is NJCARE compelled to investigate NJRTL's position?

In the course of debating A1406 and all subsequent bills over the past 30 years, New Jersey Right to Life (NJRTL) has consistently argued that...

“[the] bill will discourage adoptions and cause more abortions.”

To date, NJRTL has *never* offered the NJ Legislature any data to support this position. Rather, NJRTL has offered opinion, conjecture and partial data.

Therefore, NJCARE felt a solemn obligation to investigate this important issue by analyzing relevant available data to validate or invalidate NJRTL's assertion that A1406 will “cause more abortions”.

NJCARE does not want a policy that will discourage adoptions or cause more abortions!

NJCARE's position is that NJRTL's argument is a red herring. The factors involved in making a decision to resolve a pregnancy through abortion do not include the provisions proposed in A1406.

However, **NJCARE sought to find states with statutes similar to those proposed in A1406 to see if, in fact, abortions increased.**

Abortion Analysis

Let history guide our decision...

NJCARE Analysis

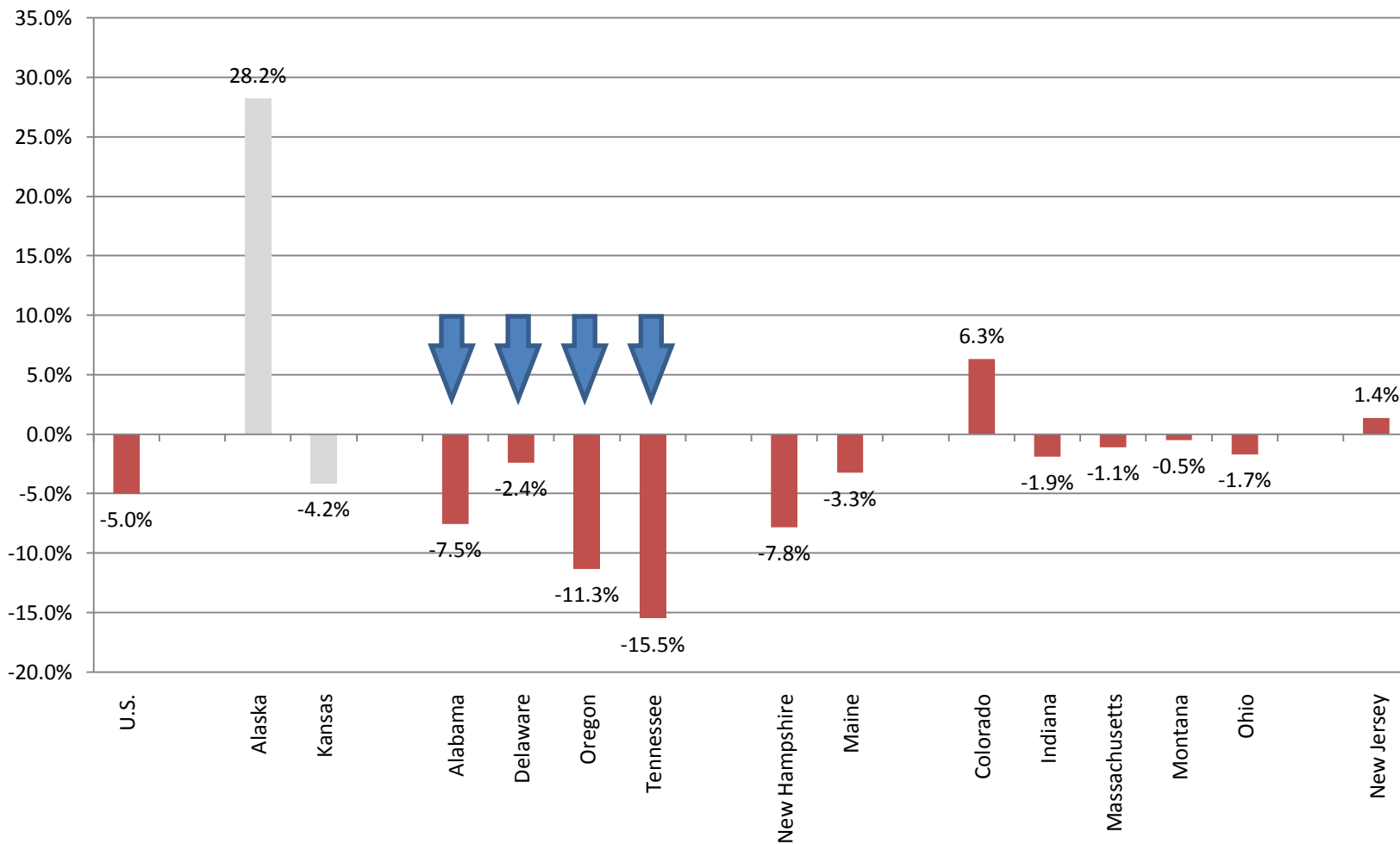
Data Source: The study's introduction reads...

This report contains the most current teenage pregnancy, birth and abortion statistics available, with national estimates through 2006, and state-level estimates through 2005. The report includes tables showing annual national rates and numbers of teenage pregnancies, births and abortions through 2006; state-level rates of pregnancy, birth and abortion in 2005; and state-level numbers of teenage pregnancies, births, abortions and miscarriages, as well as population counts. The report concludes with a discussion of the methodology and sources used to obtain the estimates.

Guttmacher Institute's U.S. Teenage Pregnancies, Birth and Abortions: National and State Trends and Trends by Race and Ethnicity

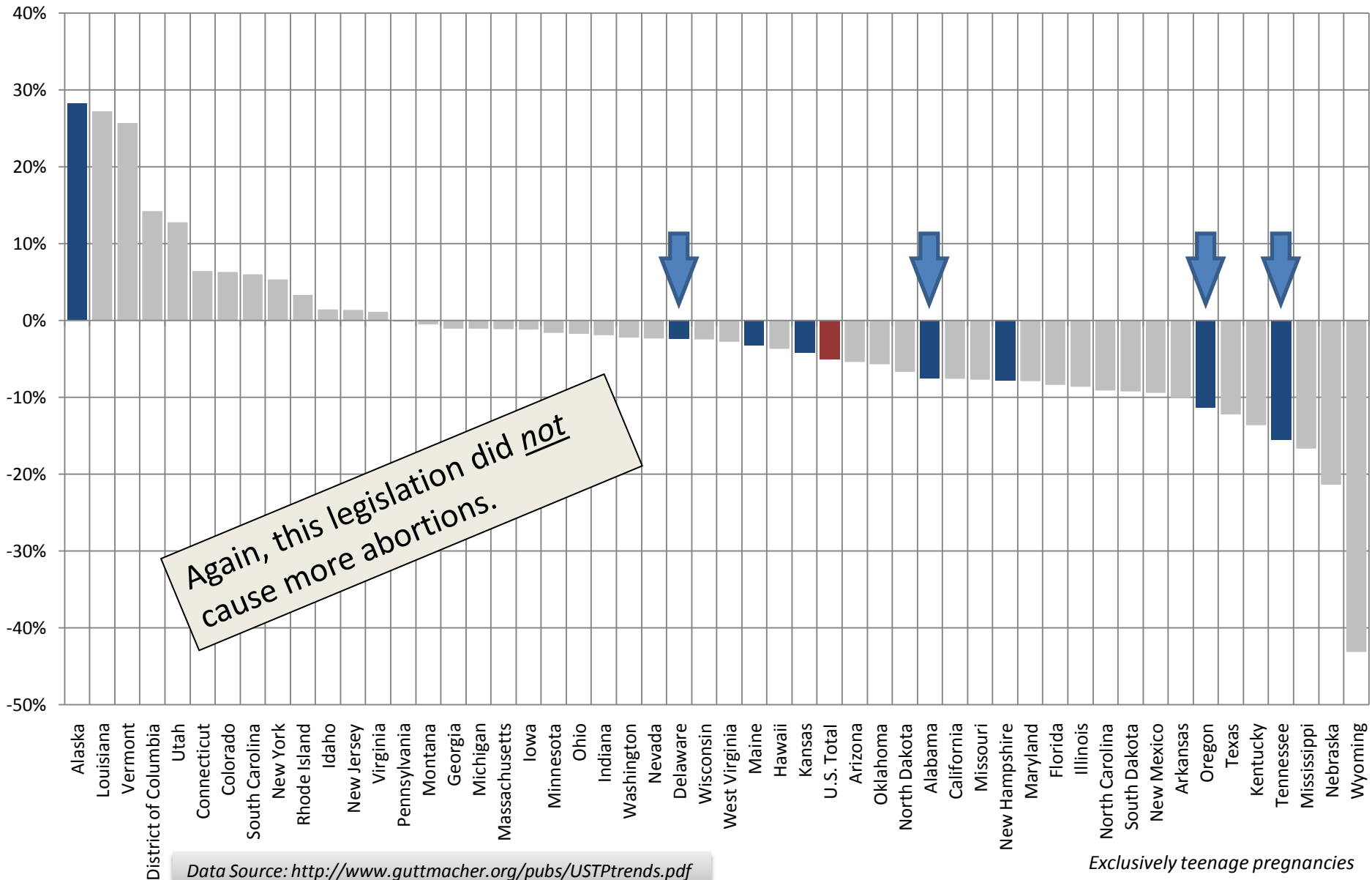
All four states with OBC access statutes similar to A1406 have NOT seen an increase in abortions

Summary: Change in *Percent of Pregnancies Aborted* from 2000 to 2005 for States with OBC Access



Some states with similar legislation have seen the biggest reduction in abortions – NOT an increase as NJRTL suggests will happen

Change in Percent of Pregnancies Aborted from 2000 to 2005

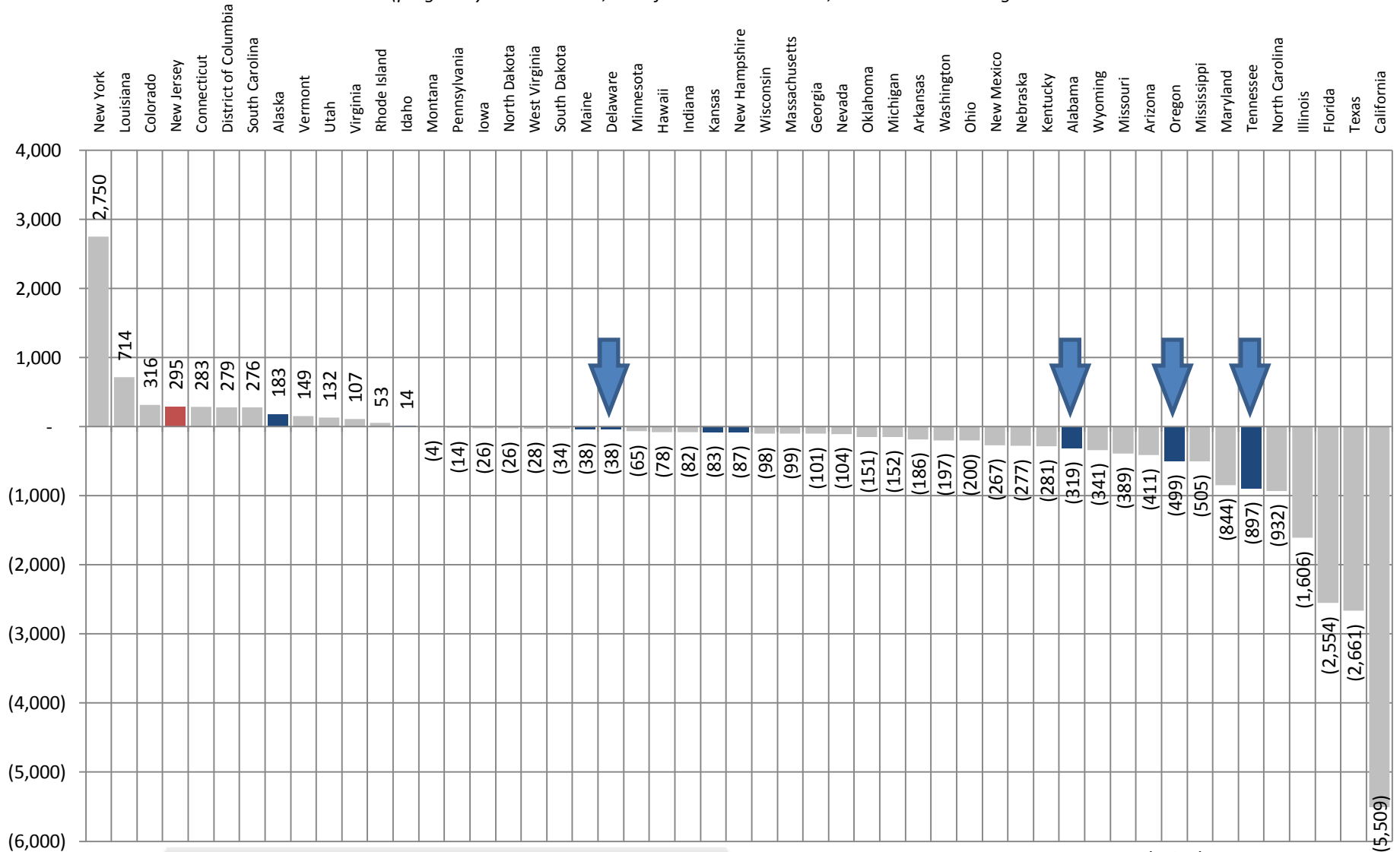


How many pregnant teenagers chose life for their baby?

While percentages are important, absolute (not relative) metrics offer context

Change in Abortions from 2000 to 2005, if pregnancy rates were constant

*Attempt to quantify the number of abortions reduced over the 5 year period assuming constant pregnancy rate
(pregnancy rates declined, therefore actual abortions, births and miscarriag*



Data Source: <http://www.guttmacher.org/pubs/USTPTrends.pdf>

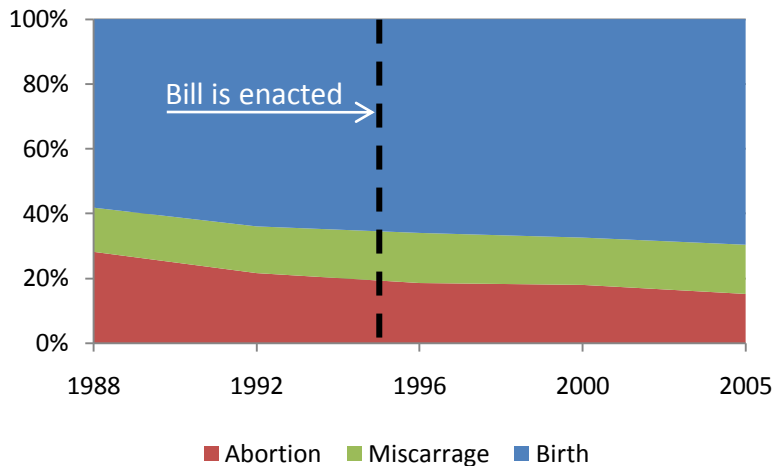
Exclusively teenage pregnancies

A closer look at the four states most similar to A1406

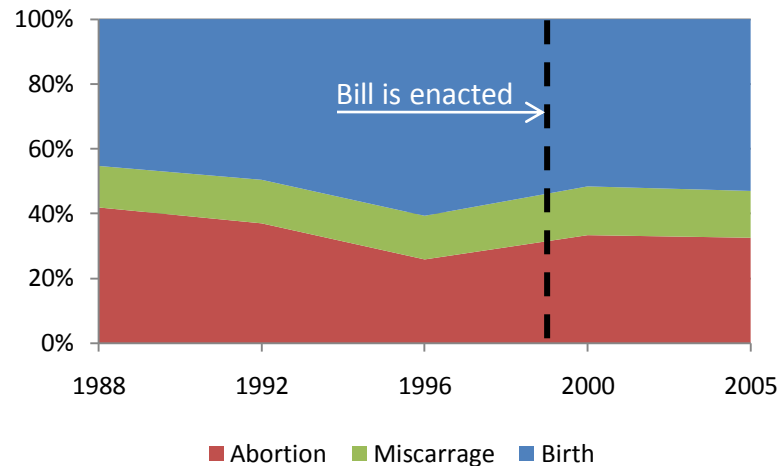
All are "Opt Out" for Birth Parents

None has a "non-disclosure" provision

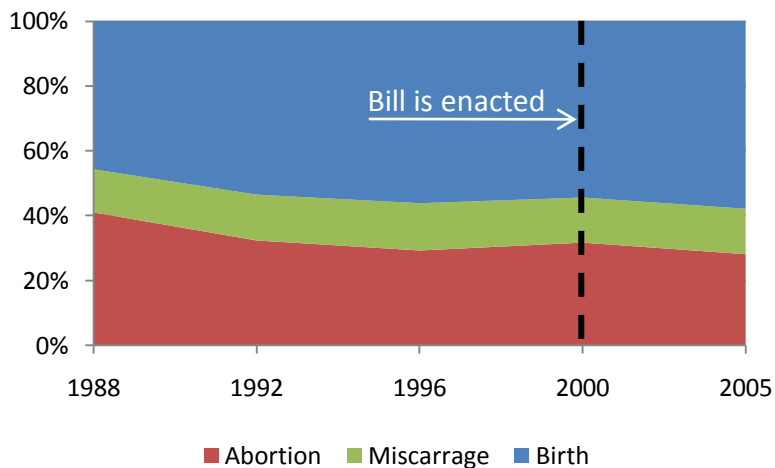
Tennessee Pregnancy Outcomes



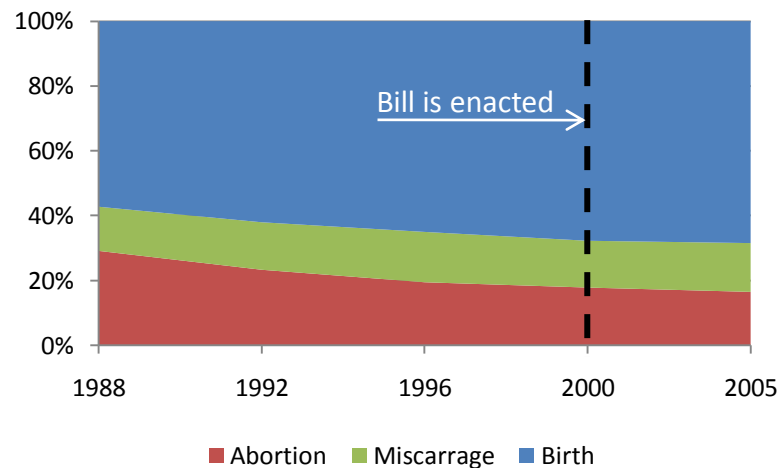
Delaware Pregnancy Outcomes



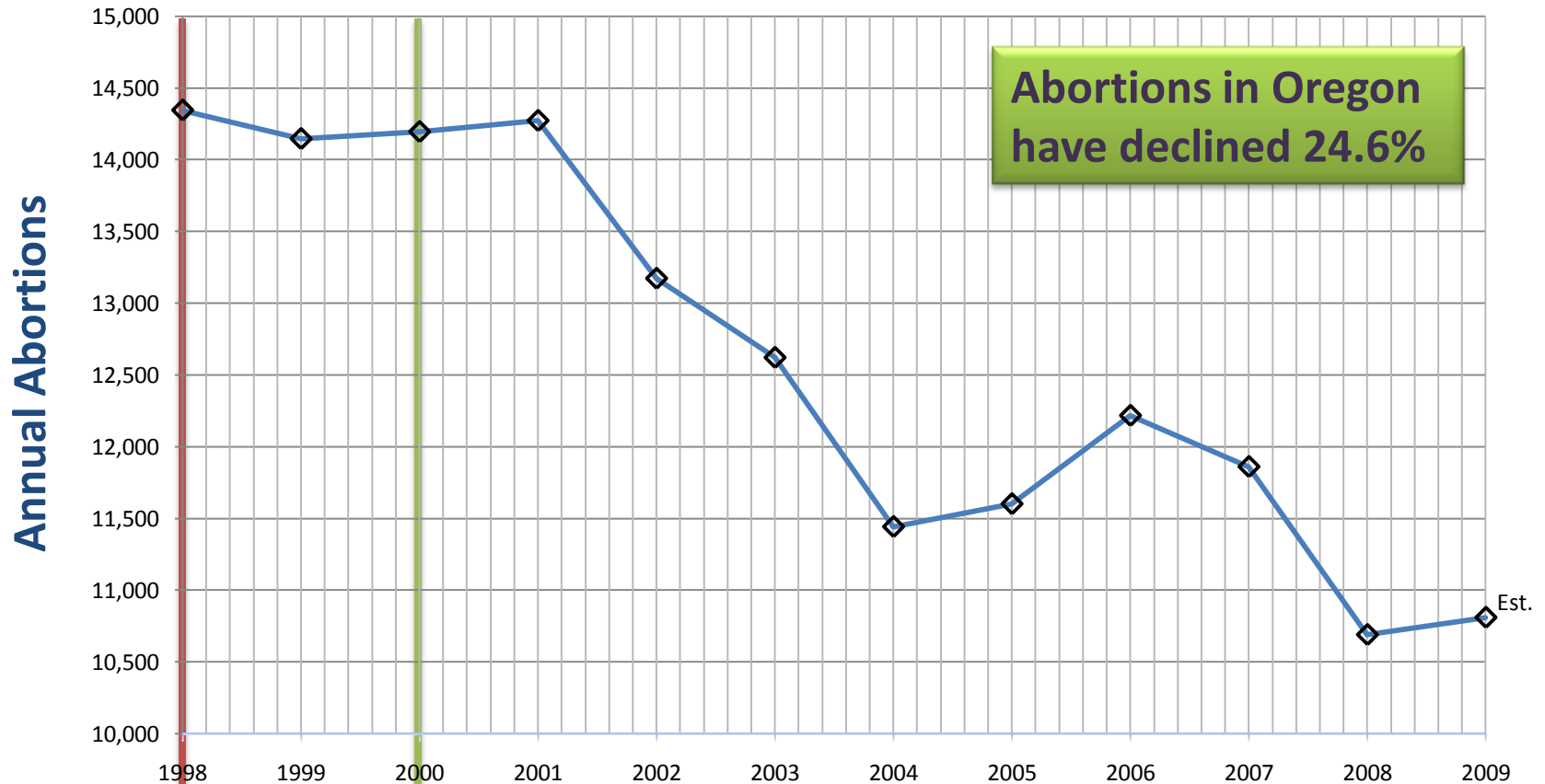
Oregon Pregnancy Outcomes



Alabama Pregnancy Outcomes



A closer look at Oregon: Total Abortions (not just teen pregnancies)



Measure 58 Passes

Court Battles Fail

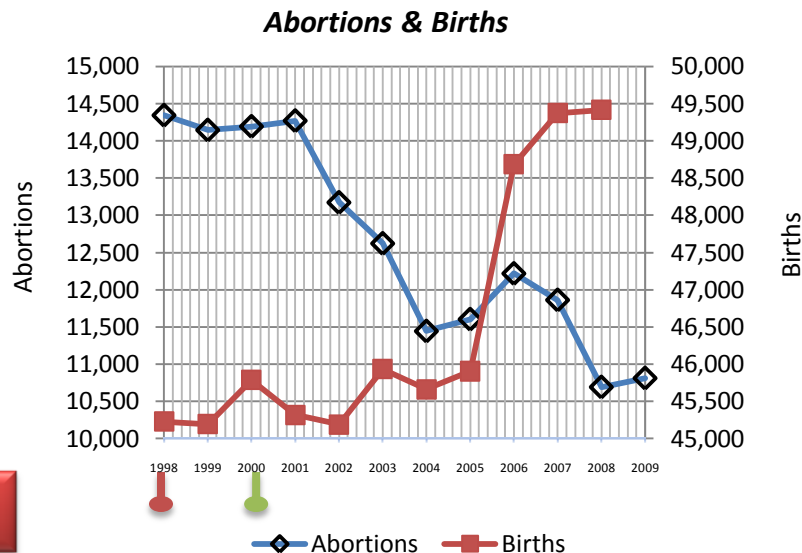
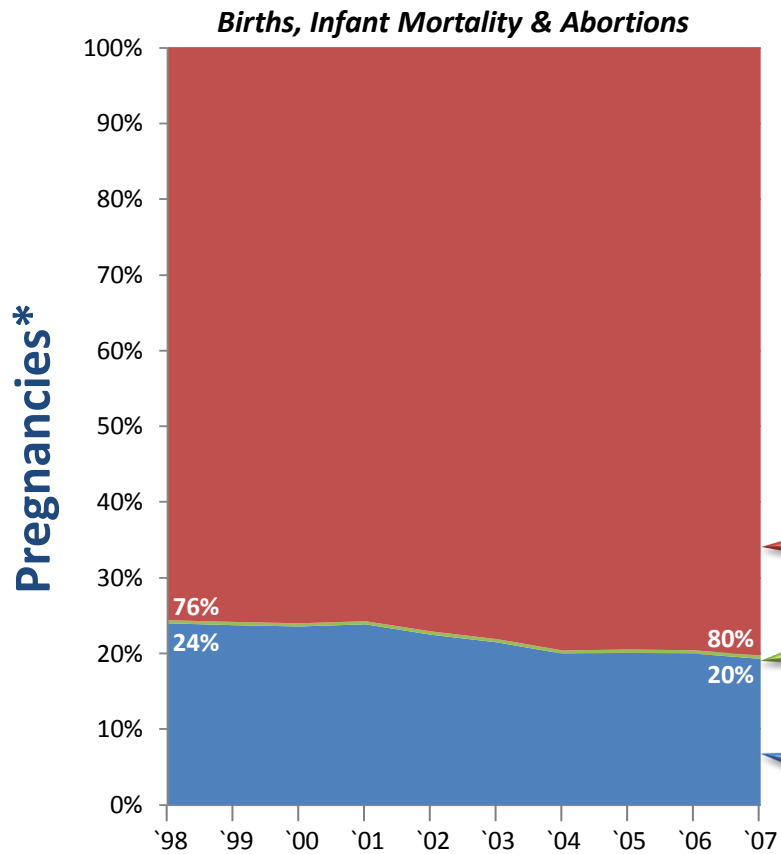
Processing of OBC Requests Begins

Oregon has no parental notification laws.

Measure 58:

- *Permits adult adoptees to access a copy of their original birth certificate;*
- *Provides a contact preference form for birth parents;*
- *Does not have a non-disclosure provision for birth parents.*

Any way you measure it, Oregon has NOT seen an increase in abortions



Births

Infant Mortality

Abortions

Measure 58 Passes

Court Battles Fail

Processing of OBC Requests Begins

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Measure 58:

- Permits adult adoptees to access a copy of their original birth certificate;
- Provides a contact preference form for birth parents;
- Does not have a non-disclosure provision for birth parents.

* Does not include pregnancies resulting in miscarriages, etc.

NJRTL has misrepresented the data in the media

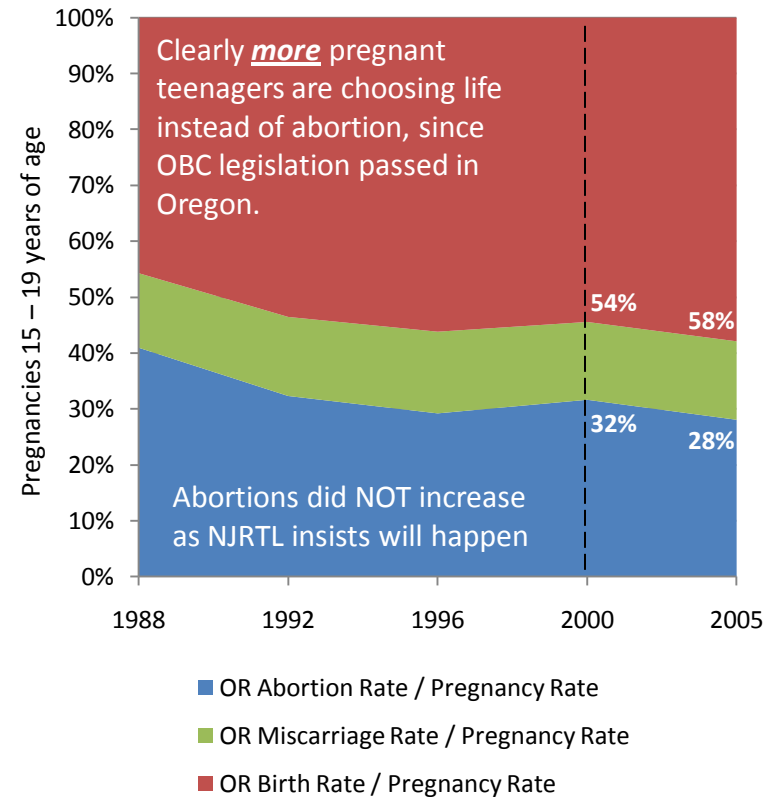
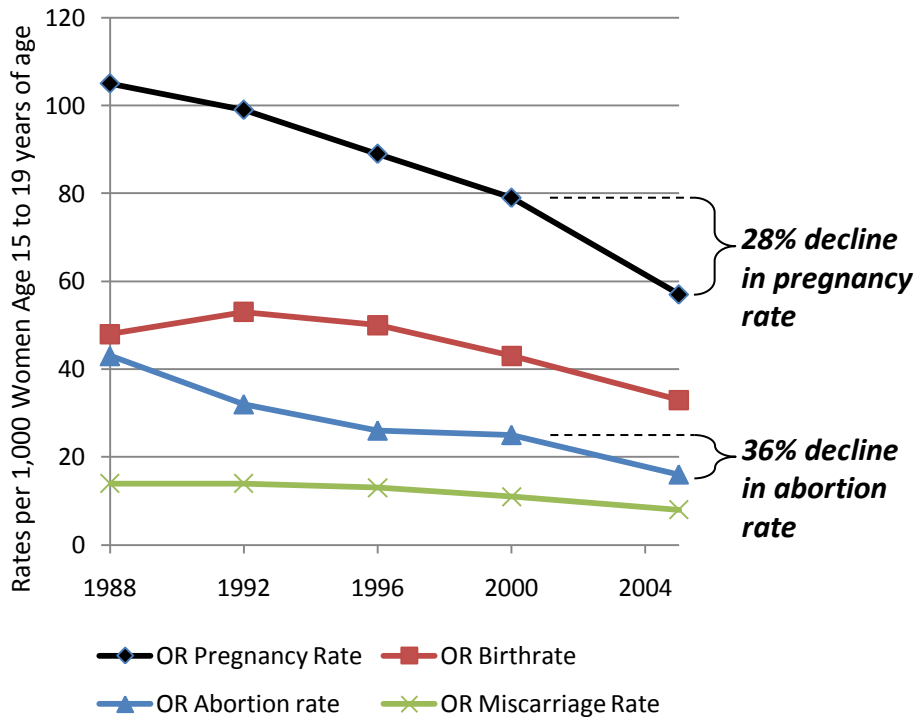
By Marie Tasy, Executive Director of New Jersey Right to Life, Published June 9, 2010 in the Trenton Times

"The letter "Access to records linked to fewer abortions" (May 24), is full of false assertions and faulty conclusions. The writer [Pam Hasegawa of NJCARE] uses Alan Guttmacher Institute abortion statistics from 2000 to 2005 to suggest that opening adoption records will actually reduce abortion. She specifically cites the decline in Alabama's and Oregon's abortion statistics as evidence to support her theory, since both of these states passed laws to open adoption records in 2000.

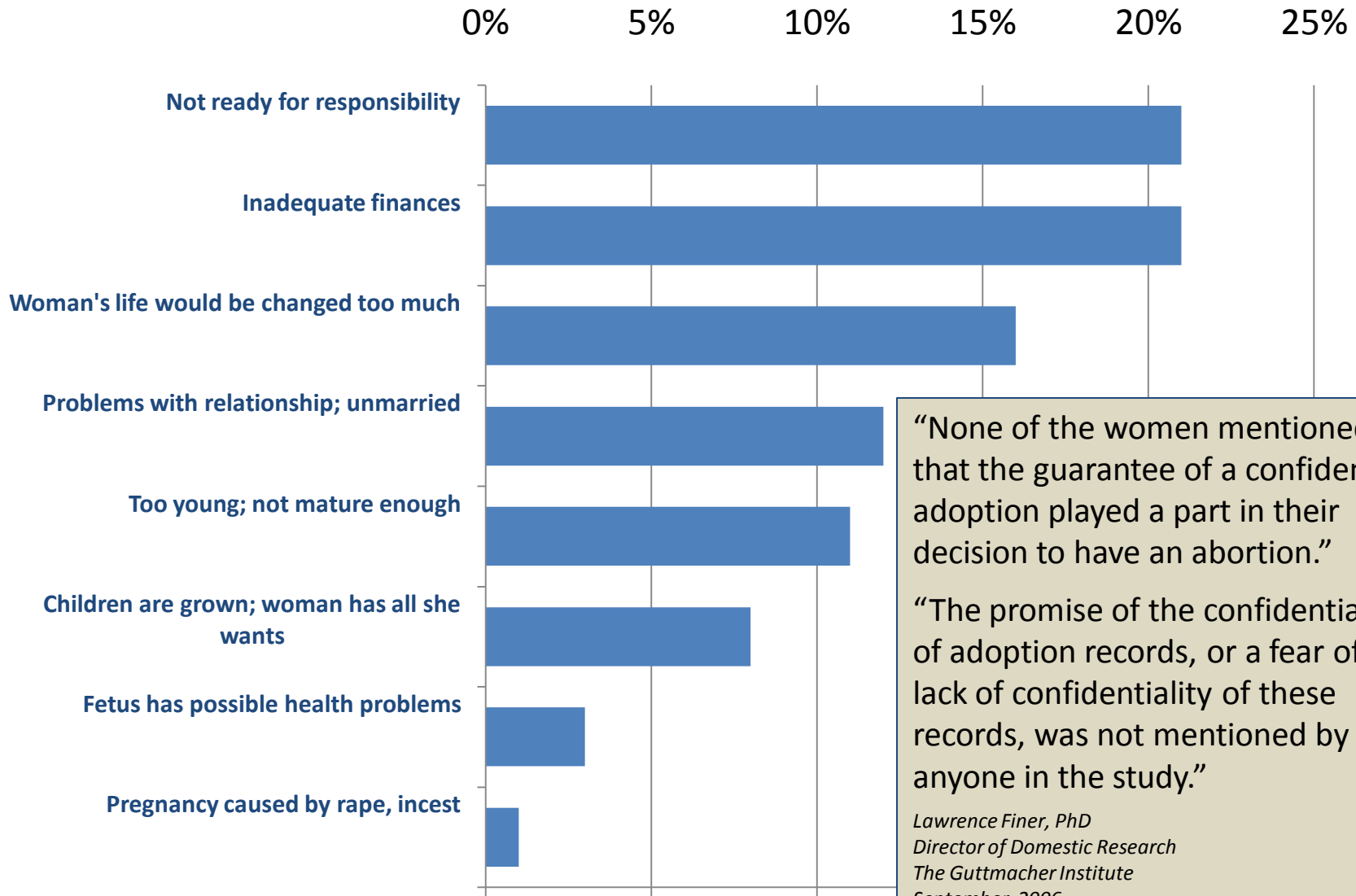
The facts she applies do not tell the whole story and, in reality, prove nothing. A careful review of statistics available for this same period illustrate that in both of these states, the pregnancy rates decreased during the same period that abortion rates decreased. In Alabama, the pregnancy rates went down 19 percent; in Oregon, the pregnancy rates went down 28 percent. **It stands to reason that the abortion rate would decline correspondingly with the pregnancy rate."**

This statement is **MISLEADING** and aims to discredit the facts!

NJCARE does not believe this legislation will reduce abortions. It just won't increase abortions. There will be no effect.



Why Women Have Chosen Abortions



“None of the women mentioned that the guarantee of a confidential adoption played a part in their decision to have an abortion.”

“The promise of the confidentiality of adoption records, or a fear of a lack of confidentiality of these records, was not mentioned by anyone in the study.”

*Lawrence Finer, PhD
Director of Domestic Research
The Guttmacher Institute
September, 2006*

The View of Crisis Pregnancy Centers

Do crisis pregnancy center professionals buy into NJRTL's position on A1406?

What Crisis Pregnancy Centers have told NJCARE

- Concerned that A1406 would jeopardize crisis pregnancies, NJCARE contacted a number of Crisis Pregnancy Centers to discuss the bill and the potential effects on their practice.
- Lehigh Valley Crisis Pregnancy Center
 - “ I am writing in answer to the question posed to me, by you, on the telephone this morning. You asked if women considering adoption were more apt to opt for abortion because of the issue of confidentiality. **I have never, at any time, experienced a client considering confidentiality an issue regarding adoption.**”
- Bethany Christian Services
 - “ As I stated on the phone I have worked as a pregnancy counselor at Bethany Christian Services for over six years and have met with many birthparents in my time at Bethany. I have found in my work with birthparents that most birthparents desire some openness in their adoption and that being able to have contact with the family and child through pictures, updates, and visits makes adoption more realistic for many birthparents. While having some openness in adoption may make the decision more realistic, I want to emphasize that it does not make the decision easier. **To my knowledge, I have not had a situation where a birthmother has chosen to terminate her pregnancy because she could have contact with the child and adoptive family.**

At Bethany we desire our birthparents to make decisions based on their needs as well as the needs of their children and adoptive families; thus the amount of contact varies with each case. **There have been some birthparents who chose traditional placements [closed adoptions] because they believe they are not able to process the emotions of this contact.**”

Discussing NJ Right to Life's Stated Goal

Does NJRTL really understand the adoption triad or the process of adoption?

Discussing NJ Right to Life's Stated Goal

New Jersey Right to Life wants to **let a birth mother decide at the time she makes an adoption plan whether she wants a confidential adoption or an open adoption.**

A1406 does not change the adoption code related to such choices, however, there is no such thing as a “confidential adoption”, rather a birth mother can choose to have a “closed adoption” or an “open adoption”.

In the context of today's choices, a closed adoption is chosen by birth mothers who would find it too painful to be in contact with their child, while not being able to be everything for their child. For these few birth mothers (very few choose a closed adoption today), the relationship must be all or nothing and they choose nothing. While her decision to choose adoption is held in confidence from the public, it is clearly known to the adoptive family and the adoptee, so how the confidentiality of her decision is compromised is unclear. It is clear that a birth mother would not want the general public to know of her or her decision. However, the assumption that such birth mothers do not want their child to know their origins or the identity of the person who gave them life is over reaching and purely speculative. In fact, most would agree it is counter to human nature.

New Jersey Right to Life goes further to state, “Simply put, adoptions would not be possible without birth mothers.”

NJCARE is sensitive to this statement, but is compelled to clarify this simplistic statement designed to assert a birth mother's perceived right over all others, including her child.

Life would not be possible without birth mothers. Adoptions are only possible when adoptive parent(s) step forward.

The Court of Appeals of the State of Oregon (12/29/1999) stated:

A decision to relinquish a child for adoption, however, is not a decision that may be made unilaterally by a birth mother or by any other party. It requires, at a minimum, a willing birth mother, a willing adoptive parent, and the active oversight and approval of the state. Given that reality, it cannot be said that a birth mother has a fundamental right to give birth to a child and then have someone else assume legal responsibility for that child.

Adoption necessarily involves a child that already has been born, and a birth is, and historically has been, essentially a public event.

During testimony on June 14, 2010, it was clearly demonstrated that a birth mother's involvement in deciding where her child would be placed, comforted by the assurance that her child would know her (by choosing an open adoption plan) *has made adoption a more attractive option.* NJCARE is puzzled that A1406, a bill that is consistent with the best practices of adoption today, is mischaracterized as harmful to adoption by NJRTL.

Conclusion

Should the foundation of policy be doubtful hypotheticals rather than facts, experience and sound reasoning?

Conclusion

- No data supports NJRTL position that A1406 will increase abortions:
 - Abortion rates and the number of abortions have not increased in any state that has passed legislation similar to A1406.
 - Alabama -7.5% 319 fewer abortions in 2005 than in 2000
 - Delaware -2.4% 38 fewer abortions in 2005 than in 2000
 - Oregon -11.3% 499 fewer abortions in 2005 than in 2000
 - Tennessee -15.5% 897 fewer abortions in 2005 than in 2000
- An interview with the Director of Domestic Research, Lawrence Finer, PhD of the Guttmacher Institute refuted NJRTL's claim that a woman will choose to abort if a "confidential adoption" is not available (*even though it remains available if A1406 becomes law*)
 - "None of the women mentioned that the guarantee of a confidential adoption played a part in their decision to have an abortion."
 - "The promise of the confidentiality of adoption records, or a fear of a lack of confidentiality of these records, was not mentioned by anyone in the study."
 - Top reasons were unpreparedness and financial inability.
- Crisis pregnancy professionals have stated that confidentiality or privacy in the context of adoption has not led to a decision to terminate a pregnancy.

Recommendation

- With all due respect to NJ Right to Life's mission and supporters, NJCARE believes NJRTL's position on A1406 runs counter to their mission of protecting and fostering human life.
- NJCARE believes NJRTL's concerns are misplaced due to faulty assumptions and a lack of practical experience in the field of relinquishment and adoption – and a lack of understanding the history of relinquishment and adoption in the United States spanning the past 70+ years.

NJCARE requests your support for A1406.

In light of this presentation, you can be confident that abortions will not increase and adoption will be a more attractive option to both birth parents and adoptive parents in the state of New Jersey.