



# FACT SHEET: SB 381 (Wahab)

*Vital records: adoptees' birth certificates.*

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## Current Bill Status 4/14/2026

**Text:** [https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202520260SB381](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260SB381)

**Senate:** Judiciary 13-0, Health 7-0, Appropriations - Suspense 7-0. Full Senate Vote 35-0

**Assembly:** Read first time. Held at Desk.

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## SUMMARY

Adult adoptees in California are denied the right to obtain their own original birth certificate (OBC)—a vital record created at birth and independent of adoption. SB 381 restores equal access to this record. It is not about adoption files, reunions, or confidential communications. It is simply about allowing adults to access the document that records the true facts of their birth.

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## KEY POINTS

### 1. The Original Birth Certificate Is a Vital Record

- Issued at birth for all children, before any adoption occurs.
- Contains only basic birth information—not adoption data.
- Adoption may never occur; therefore no confidentiality can be promised.

### 2. No Legal Basis for Confidentiality Claims

- Relinquishment documents contain **no promise of anonymity**—they cannot, because adoption is not guaranteed. OBCs remain accessible when children are not adopted and remain in foster care, adoptions are vacated, or when adoptive parents decline amending a new certificate.
- Courts can—and do, although rarely,—order access, demonstrating **no absolute right to birthparent confidentiality**.
- Based on similar laws and facts, courts and legislators in other states have concluded there is no guarantee of, nor even a reasonable expectation of, confidentiality from one's own child that would preclude granting an adult adoptee access to their OBC.

### 3. Overwhelming Support for Access

- We have received only letters of support from birth mothers and birth mother organizations.
- Birthmothers do not want restrictions or barriers to their adult children having access to their birth certificate under the guise of claiming to “protect” birthmothers - it contradicts their own voices.
- A review of relinquishment forms gathered over a span of 7 decades from 26 states showed **no relinquishment documents contained a promise of confidentiality** to birthmothers.<sup>1</sup>
- Support from birthmother organizations, women's organizations, researchers, medical and mental health practitioners, a national association of adoption attorneys, foster parent organizations, and other professional organizations.

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<sup>1</sup> Samuels, E. J. (2019). Letter of Support for Senate Bill 972, Connecticut. 14 March 2019.

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#### 4. Anonymity No Longer Exists

- DNA testing, genealogy databases, and search technology already identify birth families.
- Accessing one's own OBC is far less intrusive than DNA searches involving numerous extended relatives - it gives information to one person only, the adoptee.

#### 5. Secrecy Harms Adoptees

- Denies essential **family health history**, affecting medical care and prevention.
- Prevents cultural or tribal affiliation (e.g., Native American heritage).
- Can cause **passport denials** for adoptees whose amended certificate was filed more than one year after birth (which can have a disparate impact on foster youth) .
- Reinforces outdated stigma and treats adoptees **unequally** under the law.
- Causes **loss** of identity, history, and a sense of connection

#### 6. Broad, Bipartisan Support Nationwide

- **17 states** now allow unrestricted OBC access with no negative outcomes over several decades of access. Courts have upheld access. KS, AK, OR, AL, NH, ME, RI, CO, NY, CT, LA, MA, VT, SD, MN, GA, & VA
- There are two additional states with active OBC bills - SC and PA
- Legislatures that have passed similar laws recognize access to one's OBC as a fundamental **human right and an equal rights** issue.

#### 7. SB 381 implementation should result in minimal and absorbable costs

- 17 states currently provide unrestricted access to original birth certificates (OBCs)
  - 9 of those states, including NY, enacted their laws within the last 6 years and their bills estimated little or no fiscal impact
    - 3 states included fiscal notes showing minimal or no cost: NY (explicitly no cost), CT (minimal cost estimate), and VA (State Fiscal Impact Statement concluded minimal fiscal impact)
    - 6 states determined no fiscal impact and therefore had no Fiscal Notes attached: LA, MA, VT, SD, MN, and GA
- SB 381 **may actually generate cost savings**
  - Court systems may realize significant cost savings as adoptees will not need to file petitions to access their OBCs, freeing up judges and court staff
  - Fees charged for obtaining an OBC can help offset any administrative costs
  - Public notification costs can be minimized with community organizations by using CAAR and the broad coalition supporting this bill to assist with community outreach and PSAs

*Additional Resources can be found at [www.caallianceforadopteerights.org](http://www.caallianceforadopteerights.org)*

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## WHY CALIFORNIA MUST ACT

A birth certificate belongs to the person whose birth it documents. California prides itself on civil rights, dignity, and equality—yet adult adoptees remain the only Californians denied access to their own vital records. Restoring access corrects decades of state-imposed secrecy, aligns California with national momentum, and affirms adoptees' fundamental human right to identity.

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## THE ASK

**Support and Pass SB 381(Wahab)**, a bill to restore the **unrestricted rights** of adult California-born adoptees to **access to their original birth certificate**, the same access available to every other person born in California.

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