

History of Closed Records in California

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California became a state in 1850. State law did not include any reference to adoption until 1870, when a statute for the first time allowed for the legal transfer of a child into the care of unrelated adults, who would promise the state of California to "raise such child as his or their own . . . as if born of the body of such person." Infants of unmarried mothers could be left with the San Francisco Lying-In Hospital and Foundling Asylum, which could either place the infants with adoptive parents or in apprenticeships until they reached adulthood. In 1874 new language in the adoption law stated that, "after adoption, the [child and adoptive parents] shall sustain towards each other the legal relation of parent and child, and have all the rights and be subject to all the duties of that relation."

The birth certificates of adopted individuals were not secret at this time. However, a birth certificate, particularly of a child born out of wedlock, might not exist and was not mandatory until the early 20th century. By 1915, every child in California was required to have his or her birth recorded and kept by an office of vital records. This was part of a national program to register births. Birth registration would help the federal government do research about child welfare while providing proof of age when school attendance became mandatory.

Prior to the 1930s, many Americans were uncomfortable with the idea of raising someone else's child as their own. (Indeed, many still are today.) A belief at that time was that unmarried mothers, by definition, had "bad genes." And while the adoption or fostering of child laborers in the Midwest had been popular in the late 19th century because family farms required extra labor, infants were of no practical use to most people at that time. Many "illegitimate" children died in the late 19th and early 20th centuries after their desperate mothers paid "baby farmers" to take them and place them for adoption. There was no market for infants and the "baby farmers" were unable to care for them.

In the 1930s, adoption of infants became more acceptable in the United States and adoption rates accelerated after World War II. Now children's labor was not required; adoption was an emotional act with children thought to be "priceless" additions to a family. Laws began to catch up with practice. In 1927, ALL adoptive homes in California were newly required to be investigated by the State Department of Social Welfare. Three quarters of adoptions in California at that time were independent, non-agency placements, so the vast majority of adoptive homes escaped any scrutiny before 1927.

California was one of the early states to seal original birth certificates of adopted individuals from those individuals. This was done in 1935, in the middle of the Great Depression. Oakland's Assemblyman Charles Fisher, citing problems of blackmail of adoptive parents in southern California, presented a bill in January 1935 to make original birth certificates of adoptees unavailable to *anyone,* including the adoptive parents, birth parents and "the child," except by court order.

Assemblyman Fisher's concern, noted in the Sacramento Bee (January 22, 1935), was that a blackmailer could threaten to tell the child he or she was adopted. This tells a lot about the social stigma of adoption at the time records were sealed in California. It appears that the original purpose of sealing records in California was to give adoptive parents complete control over whether to tell their child of the adoption and to protect the adoptive family from any outside interference, including blackmail. The adoption of children whose parents cannot take care of them was (and continues to be) of great interest to the government because, without adoption, the government itself might have to support these children at a time when child labor had largely been abolished, attendance at school had become mandatory, and an unprecedented economic depression had overtaken the country during the preceding five years. Reassuring adoptive parents of their power and control was probably thought to be essential to adoption in 1935.

But adoption records were already sealed to the general public. If a stated purpose of sealing records was to protect adoptive parents, one possible explanation for making records inaccessible to adoptive parents might have been a fear that potential blackmailers could IMPERSONATE adoptive parents in order to gain illegal access to the records. Another possible explanation that cannot be discounted is that certain adoption agency officials may have urged sealing records from all parties in order to protect themselves from having their illegal practices discovered.

The role of unscrupulous adoption agencies should not be overlooked because a "black market" of illegal adoptions was active in North America and in many parts of the world during the 1930s and 1940s. Georgia Tann, head of the Children's Home Society of Memphis, Tennessee until her death in 1950, placed many children in California, including with actors in Hollywood. Adoptive parents in California who had obtained children from Tann's agency became her advocates through an organization called the Adoptive Children's Association, most likely unaware of her irregular practices. Days before Tann's death, her illegal actions were uncovered by a new city administration in Memphis: she had sold children for profit, lied about their original identities to adopting parents, completely fabricated birth certificates, terminated parental rights of impoverished birth parents in order to place their children for profit, and allowed children in her agency's care to die for lack of medical treatment. Conveniently, these practices would never be discovered with records tightly sealed to all. Such was the social environment during the time adopted people's birth certificates were sealed in California.