Michigan's Inflexible Defense of Closed Adoption Records:

A Summary of Public Documents Released by the Michigan Department of Health and Human Services (MDHHS), pursuant to a state Freedom of Information Act request by Rudolf Scott-Douglas Owens, submitted to the MDHHS on June 3, 2016

By Rudy Owens | Last Updated June 27, 2016 Copyright 2016. All rights reserved.

On June 3, 2016, I submitted a FOIA request for public records, including emails, on how state officials managed my birth <u>records request</u>, as an adult adoptee, for my original birth certificate. I made that request to the MDHHS on March 21, 2016. <u>An email notification</u> to the Michigan media and Gov. Snyder's press office was sent on March 20, 2016. That email triggered a flurry of activity and consternation by *no less than 19 officials* in the MDHHS and Gov. Rick Snyder's office.

I made this request learn how officials deliberate about birth records of adoptees. Adoptees number in the millions in the U.S. population, and debates over the management of sealed and original birth records remains a major political topic that is in the public spotlight and is of substantial local, state, and national interest. Michigan's adoption laws are among the nation's most restrictive that deny adoptees and their birth parents access to their original birth records. But actions by public health records managers are not and should never be hidden.

As a matter of public policy, adoption records issues have been in the public interest and debated by public bodies now since the 1930s. It is in the public interest to make public how state bodies and public officials deliberate on this major public policy issue—the discrimination against adoptees that denies them equal access to original identity documents. Ultimately, records management of critical and essential birth records is one of the most important functions of government at the state and national level, and how public bodies manage those records is beneficial information that will serve the public good and the people of the state of Michigan.

All documents included in this summary are true and accurate copies provided to me by the DHHS FOIA office in June 2016. *Note at least one set of emails was redacted/altered* by state officials to hide disparaging comments made about my intentions for making the request for my original birth certificate, which should be released immediately. The alteration is highlighted in the copies herewith.

Recap of Key Facts:

- The State of Michigan/Michigan Department of Health and Human Services (MDHHS), my adoption agency (Lutheran Child and Family Services), and the Wayne County Probate Court did everything in their power to keep me from knowing my birth family, critical family medical history, and identity before I found my birth family in 1989.
- Today, nearly three decades later, the state and MDHHS are still working to keep my original identity document from me, even when there is no longer any rational reason to keep a non-secret birth record from the person who knows his original birth name.
- Michigan since the 1980s and through the present has used a legal smokescreen to mask arbitrary and paternalistic decisions that provide no public benefit.
- Michigan for decades has practiced state-sanctioned discrimination against thousands of adoptees by denying them equal rights of all other residents regarding critical medical and family history—a practice that undermines public health.
- In spite of the state's efforts to hide my identity, I found my biological families in the 1980s.
- My birth mother in April 1989 signed a legal consent requiring my adoption agency, the Wayne County Probate Court, and the state to release identifying information. The consent was received by the Michigan Department of Public Health, Office of Vital and Health Statistics. It has the force of law and must be honored.
- Though I was given my adoption decree, birth medical history, and all other identifying information, the state refused to surrender my birth certificate, claiming it was a "sealed" record and could not release it.
- I have known both sides of my birth family now for decades—wiping away any rationale that state secrecy is needed to keep hiding my original birth certificate.
- In October 2015, state adoption personnel refused to discuss the accessing of my original birth certificate and told me to fill out a damn form. No apology for the state's offensive behavior was ever provided to this day. No attempt at accommodation was offered. Personnel in the Central Adoption Registry presented emotionally unstable, erratic, and discriminatory behavior.
- Because of the state's failures to talk with me, I made a direct request to MDHHS director Nick Lyon on March 21, 2016 for my original birth certificate, and copied the media and Gov. Snyder's office a day earlier—to compel a decision.

Recap of Key Facts, Continued:

- There is no compelling legal rationale to continue hiding my birth record, when all of the facts of my identify are public and have been for nearly three decades concerning my original birth name.
- MDHHS denied my request before my documents even reached Director Lyon on March 28, 2016, claiming "the law is the law." No effort was made to review all of the original evidence or use common sense that holding a record that is already publicly knowledge defied common sense and good judgment.
- State officials called my request and me "the problem," "tagged" me in their system, and claimed I had "an agenda." At least 20 senior officials in the MDHHS and Gov. Snyder's office were involved in denying my reasonable request and were copied in the state's denial of my request.
- MDHHS never once sought to consider alternatives they always had, including wide discretion in interpreting laws and rules—a central tenet in U.S. law and in all state and federal judicial reviews of agency actions. MDHHS officials determined from the start to deny me my record, and then found a legal justification without reviewing all of the evidence in an impartial manner.

Glenn Copeland, state registrar, calls Rudolf Owens and his <u>request for his original birth</u> <u>certificate</u> "this problem" and instructs staff to find "any solutions you may discern." DHHS Director Nick Lyons' executive assistant, Nancy Grijalva, is copied, showing the matter was of interest to the agency director.

March 21, 2016

From: Copeland, Glenn (DHHS)

Sent: Monday, March 21, 2016 9:01 AM

To: Weaver, Tamara (DHHS) < WeaverT@michigan.gov>

Cc: Minicuci, Angela (DHHS) < MinicuciA@michigan.gov >; Grijalva, Nancy (DHHS) < GrijalvaN@michigan.gov >; Coulter,

Lalena (DHHS) < CoulterL@michigan.gov>

Subject: RE: Story of Interest: Michigan Not Releasing Original Birth Certificate to Adult Adoptee

Tami,

Please look into this matter and please involve the Adoption Central Registry staff in working on this problem.

Please keep Angela and Nancy apprised of your findings and any solutions you may discern.

Could you please give us an overview of where this case falls in the adoption code and what he would need to do to have this original record released?

From: Minicuci, Angela (DHHS)

Sent: Monday, March 21, 2016 8:38 AM

To: Copeland, Glenn (DHHS) < copelandg@michigan.gov >; Grijalva, Nancy (DHHS) < GrijalvaN@michigan.gov >; Coulter,

Lalena (DHHS) < CoulterL@michigan.gov>

Subject: FW: Story of Interest: Michigan Not Releasing Original Birth Certificate to Adult Adoptee

Good morning,

Please see the message below. Has this individual contacted Vital Records to request his birth certificate? Looks like he has tried to do so through the adoption process but I can't see any interaction with Vital Records.

Copying Nancy Grijalva as he has indicated that he has reached out to Nick Lyon about this as well. If he has not reached out to Vital Records, can we reach out to him?

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Thank you,

Angela

Tamara Weaver, deputy state registrar with Vital Records, discusses that a court order is the solution to my request.

Weaver openly discusses how successful the state system has been at almost never surrendering any birth certificates to thousands of eligible adoptees. Many of whom lack resources or expertise to navigate through the bureaucracy and months-long and complicated court petitioning process. Weaver states "probably 1 or 2 [court orders] every month" ever make it to their office. She does not acknowledge or review evidence presented to the state with my request why an order in my case may not be warranted.

March 21, 2016

Weaver, Tamara (DHHS)

From: Weaver, Tamara (DHHS)

Sent: Monday, March 21, 2016 9:40 AM

To: Copeland, Glenn (DHHS)

Subject: RE: Story of Interest: Michigan Not Releasing Original Birth Certificate to Adult Adoptee

He's never requested from us, so at least he understands the law. Why doesn't he just go in front of a judge to have him give an order? We get probably 1 or 2 every month from this era do this and we give it to them.

Catherine Hoover, Guardianship & Permanency Program manager at Department of Health Human Services, tells Steve Yager, executive director of the DHHS Children's Services Agency, that I would need a court order. She makes no reference the <u>forwarded email that sent to Gov. Snyder's office</u> on March 20, 2016, which had evidence that I knew my birth families and that a consent to release identifying information was signed by my birth mother in 1989, or 26 years earlier. This recommendation was made seven days before my <u>actual packet with evidence</u> requesting my original birth certificate arrived at Director Lyon's office.

March 21, 2016

From: Hoover, Catherine (DHHS)

Sent: Monday, March 21, 2016 11:00 AM

 $\textbf{To:} \ \ \textbf{Yager, Steve (DHHS)} < \underline{\textbf{YagerS@michigan.gov}}; \ \textbf{Wheaton, Bob (DHHS)} < \underline{\textbf{WheatonB@michigan.gov}}; \ \textbf{Bladen, Stacie}$

(DHHS) <BladenS@michigan.gov>

Subject: RE: Story of Interest: Michigan Not Releasing Original Birth Certificate to Adult Adoptee

Clarification-

After further research, the situation below appears to be an adoption outside of the child welfare system, probably an infant adoption through an adoption agency and not a step parent adoption. Since the parental rights were terminated between May 28, 1945 and September 12, 1980, Rudolf Owens will still need to contact the court in which the adoption occurred to obtain a court order for the original birth certificate.

From: Hoover, Catherine (DHHS)

Sent: Monday, March 21, 2016 10:20 AM

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To: Yager, Steve (DHHS) < YagerS@michigan.gov">Yager, Steve (DHHS) < wheelson, Bob (DHHS) < wheelson

Subject: RE: Story of Interest: Michigan Not Releasing Original Birth Certificate to Adult Adoptee

The Adoption Program Office through the Central Adoption Registry is involved in every request for identifying information from closed adoption records. The court, agency or department contacts the Central Adoption Registry to verify if there are any consent or denials in the registry from either birth parent.

For those adoptions where the parental rights were terminated prior to May 28, 1945 or after September 12, 1980 a copy of the original certificate of birth may be made available to the adopted person providing there is no denial statement on file with the Central Adoption Registry. To obtain a copy of the original certificate of birth, the court, department or agency that provided the identifying information would release the proper paperwork to the adopted person who can then present the document to the MDHHS Division of Vital Records.

For those adoptions where the parental rights were terminated between May 28, 1945 and September 12, 1980, the original birth certificate is contingent upon a court order.

The situation below appears to be a step parent adoption which occurred between May 28, 1945 and September 12, 1980 and due to both of these reasons, he will need to contact the court in which the adoption occurred to obtain a court order for the original birth certificate.

Let me know if you need any additional information.

Tamara Weaver, deputy state registrar at Vital Records, tells State Registrar Glenn Copeland that as a result of me asking for my original birth certificate, I would need a court order. A day earlier (3/21/2016) she said I did not need a court order. She does not reference evidence that was sent in copied email to Gov. Snyder's office in the March 20, 2106 email or facts stated in that email that would indicate a court order might not be needed.

March 21 & 22, 2016

Weaver, Tamara (DHHS)

From:

Weaver, Tamara (DHHS)

Sent:

Monday, March 21, 2016 11:52 AM

To:

Copeland, Glenn (DHHS)

Subject:

RE: Story of Interest: Michigan Not Releasing Original Birth Certificate to Adult Adoptee

Okay, it's not in statute that this individual can get his record via court order, how do you want me to convey that?

Something like, "there really is no avenue through the adoption statute that would allow for this gentleman to get his original birth record, however, we do accept court orders to release the record, providing that it is clearly conveyed by the judge that she or he is aware of the adoption laws that govern this era."

From: Weaver, Tamara (DHHS)

Sent: Tuesday, March 22, 2016 2:47 PM

To: Copeland, Glenn (DHHS) < copelandg@michigan.gov >

Subject: RE: Story of Interest: Michigan Not Releasing Original Birth Certificate to Adult Adoptee

Glenn, not getting response from CAR, wrote this up so far, you want me to wait?

Evidently, this gentleman was successful in finding his birth parents and has reconnected with them. This was not done by the Central Adoption Agency (CAR) because Mr. Owens was adopted through a private agency, so CAR would have little or no information on him, the agency would.

There really is no avenue through statute that would allow for this gentleman to get his original birth record, however, we do accept court orders to release the record, providing that it is clearly conveyed by the judge that she or he is aware of the adoption laws that govern this era.

From: Copeland, Glenn (DHHS)

Sent: Monday, March 21, 2016 9:01 AM

To: Weaver, Tamara (DHHS) < WeaverT@michigan.gov>

Cc: Minicuci, Angela (DHHS) < MinicuciA@michigan.gov >; Grijalva, Nancy (DHHS) < GrijalvaN@michigan.gov >; Coulter,

Lalena (DHHS) < CoulterL@michigan.gov>

Subject: RE: Story of Interest: Michigan Not Releasing Original Birth Certificate to Adult Adoptee

Tami,

Please look into this matter and please involve the Adoption Central Registry staff in working on this problem.

Please keep Angela and Nancy apprised of your findings and any solutions you may discern.

Could you please give us an overview of where this case falls in the adoption code and what he would need to do to have this original record released?

Tamara Weaver, deputy state registrar at Vital Records, summarizes for State Registrar Glenn Copeland her phone call to me on March 22, 2016, regarding my asking for my original birth certificate. On that call she *never* identified her title or senior level position in Vital Records. She stated how "pleased" she was I had found my birth family and that her staff always liked that news, all while she was working intensely behind the scenes with her staff and her department to keep my records sealed in ways that prevent adoptees from meeting their birth families or accessing their original birth records.

She did not mention my detailed summary that agencies have wide latitude of authority to interpret and enforce statutes. The purpose of the call was a fishing expedition to gather intelligence if I would seek a court order and to communicate DHHS' rigid view that, and I quote, "the law is the law." She suggested she did not accomplish anything—likely me accepting the state's inflexible position. Note, this is the redacted email, likely in violation of state FOIA statute, that was intentionally altered to hide disparaging statements (see next page for full version with disparaging remarks made about me).

March 22, 2016

From: Weaver, Tamara (DHHS)

Sent: Tuesday, March 22, 2016 6:05 PM

To: Copeland, Glenn (DHHS) < copelandg@michigan.gov>

Subject: RE: Story of Interest: Michigan Not Releasing Original Birth Certificate to Adult Adoptee

Spoke to Mr. Owens, the discussion was about how you would expect it. He feels he does not need to spend money to get a lawyer or fly to Michigan (Oregon resident) to get the court order, and feels that he should not have to, that by knowing his birth parents for over 26 years, he feels that common sense should prevail and we should just be able to issue him the original birth record right now without any more government red tape. He did state at one time, couldn't afford the lawyer or to take time off to go to the Detroit court for an order.

He brought up what the Central Adoption Registry employee said about having his mother file the "damn" paperwork, i

employees treat others with respect, that he shouldn't have to provide a name.

asked if he knew who that was, mistake and knew it as soon as I said it. Said it is our job to assure that all state

I thanked him for speaking with me, told him I was sure that the documents he just mailed yesterday will arrive here this week, and that he would get a response soon.

He has my name.

So, I tried, but didn't accomplish anything. He is just waiting for his birth record.

Tamara Weaver, deputy director of Vital Records, told State Registrar **Glenn Copeland** that I would not be satisfied with my original birth certificate, which <u>I had explicity asked for</u>. She doesn't understand why an adoptee would accept he should be denied his original birth certificate when he already knew his birth families for nearly three decades and had all his other original birth records. She didn't seem to understand why any adoptee should have legal access to their birth records.

Weaver wrote, "He has an agenda, nothing I would have said would have been sufficient. ... I don't think my offering him his record would have been enough for him, even though that is ultimately what he says he wants." (See item called out below.) Weaver also demonstrated a lack of any knowledge of U.S. adoption history and that all adoption records were once accessible to adoptees and birth parents before the 1950s. She mocks well documented adoption history as a "story line." She said, "don't know how true this angle is, but it is interesting, if you like that kind of story line." Weaver is the No. 2 in a state agency that manages vital records for all adoptees—a stunning confession. This is the non-redacted version of the email on the previous page to hide Weaver's statement that I had "an agenda." This redaction/alteration of a record is likely a violation of FOIA statutes to change a public record as a result of a FOIA request.

March 22, 2016

Weaver, Tamara (DHHS)

From: Weaver, Tamara (DHHS)

Sent: Tuesday, March 22, 2016 6:05 PM

To: Copeland, Glenn (DHHS)

Subject: RE: Story of Interest: Michigan Not Rele

, i.e. story or mission in the second second

In Conversation
3/24
5:10p
Adult Adoptee

Spoke to Mr. Owens, the discussion was about how you would expect it. He feels he does not need to spend money to get a lawyer or fly to Michigan (Oregon resident) to get the court order, and feels that he should not have to, that by knowing his birth parents for over 26 years, he feels that common sense should prevail and we should just be able to issue him the original birth record right now without any more government red tape. He did state at one time, couldn't afford the lawyer or to take time off to go to the Detroit court for an order.

He brought up what the Central Adoption Registry employee said about having his mother file the "damn" paperwork, I asked if he knew who that was, mistake and knew it as soon as I said it. Said it is our job to assure that all state employees treat others with respect, that he shouldn't have to provide a name.

He wants to make a statement on how we should just take leadership roles and just do what is correct. He knows statute very well, doesn't care about what they say, doesn't care that we are bound to follow statute, he says that we should interpret these laws with a shred of common sense, that we would see them in a different light.

I thanked him for speaking with me, told him I was sure that the documents he just mailed yesterday will arrive here this week, and that he would get a response soon.

He has my name, was a bit surprised that he didn't ask for more information or names, but I didn't offer anything.

He has an agenda, nothing I would have said would have been sufficient. I don't think that my offering him his record would have been enough for him, even though that is ultimately what he says he wants. I am fairly certain that if there was a way to give to him, he wouldn't be happy to have the sealed marker on it, though that is only an opinion.

He did change his name in 2009 to change the last name to his original last name and combined his original first and middle name to be his current middle name, so, really combining both names together.

If you haven't read the article he wrote and attached inside his email, if you have a half hour to do so, it is good reading. Don't know about the history of adoptions, so don't know how true this angle is, but is interesting, if you like that kind of story line.

So. I tried, but didn't accomplish anything. He is just waiting for his birth record.

Connie Stevens, Central Adoption Registry analyst and one of if not the <u>state's most zealous</u> <u>enforcer</u> of keeping all adult adoptees' records sealed from adoptees, tells Deputy State Registrar **Tamara Weaver** my request for my original birth certificate was a high-level Department priority requiring a response to **Steve Yager**, executive director of the DHHS Children's Services Agency.

March 23, 2016

Stevens, Connie (DHHS)

From: Stevens, Connie (DHHS)

Sent: Wednesday, March 23, 2016 4:25 PM

To: Weaver, Tamara (DHHS)

Subject: RE: Question

Yes, it rose all the way to the top here...we had to provide a response to the Deputy Director, Steve Yager.

Tamara Weaver, deputy state registrar at Vital Records, asks Adoption Central Registry to "tag him" [Rudy Owens] as a result of me asking for my original birth certificate. She claims I am not receptive to what the DHHS has to say (that is correct concerning views on legal discrimination—I have never accepted the state's discrimination against me on the basis of my status as an illegitimately born person who is an adoptee, and denied equal rights by statute and not given his original birth records).

This is a mischaracterization of her call to me on 3/22/2016, when I stated that Michigan had a wide latitude of judgment and discretion to release my certificate now, based on evidence already submitted: contact with birth families for 26 years, possession of all other birth and adoption records, and a release signed by birth mother to provide me identifying information in 1989.

March 23, 2016

Stevens, Connie (DHHS)

From: Weaver, Tamara (DHHS)

Sent: Wednesday, March 23, 2016 4:23 PM

To: Stevens, Connie (DHHS)

Subject: RE: Question

Actually, I think we got it. Thing is, had to contact that guy we were talking about. If you have a way to tag him, he is not very receptive to anything any of us have to say. His name is Rudolf Owens.

From: Stevens, Connie (DHHS)

Sent: Wednesday, March 23, 2016 3:36 PM

To: Weaver, Tamara (DHHS) < WeaverT@michigan.gov>

Subject: Question

Hey Tami,

I just decided to send you an email. I understand that you are in meetings. Email is always the best way to get my attention. Telephone messages sometimes get buried on my phone...so do you need anything further from me?

Connie S. Stevens, LMSW, LMFT, ACSW
Office of Child Welfare Policy and Programs
Adoption Inquiry/Central Adoption Registry Analyst
235 S. Grand Ave., Suite 514
PO Box 30037
Lansing, MI 48909

Ph: (517) 335-6075 Fx: (517) 335-6177 **Glenn Copeland**, State Registrar Vital Records, outlines for **Angela Minicuci**, DHHS communications director, and executive assistant to **DHHS Director Nick Lyon** the legal argument of the state, which never considered any of the relevant facts shared when I <u>asked for my original</u> <u>birth certificate</u>.

Copeland claimed "releasing only one active version of an individual's birth record is a prudent policy," which ignores the historic record that all birth records in this country were once accessible to adoptees and national policies in countries like Norway, England, and Israel that release all original birth records. The rationale also brushes aside decades-long claims by adoptees they are entitled to all of their records, by law.

Copeland defends the state's policy to hide all adoptee records with the "law is the law" rationale, even when I knew my birth families and birth name already for 26 years. He said it "... may not see like common sense, but there are established process in law that govern such releases and it does not make common sense that we should break the law." (See area called out in red.)

What's more, since I already knew my name and birth family, he suggested keeping my record sealed should not matter—therefore it should remain sealed (the exact opposite of a reasonable standard).

March 23, 2016

From: Copeland, Glenn (DHHS)

Sent: Thursday, March 24, 2016 5:10 PM

To: Minicuci, Angela (DHHS) <MinicuciA@michigan.gov>; Grijalva, Nancy (DHHS) <GrijalvaN@michigan.gov> Cc: Robinson, Mikelle (DHHS) <RobinsonM18@michigan.gov>; Weaver, Tamara (DHHS) <WeaverT@michigan.gov>

Subject: FW: Story of Interest: Michigan Not Releasing Original Birth Certificate to Adult Adoptee

Tami did reach out to this gentleman and explained the circumstances.

In a nutshell, when we are notified of an adoption, the law requires (unless indicated otherwise by the court, that the original birth certificate shall be sealed and a new record of birth established that reflects the information following the adoption.

Michigan law does have processes in place that would permit us to release this sealed record to an individual, but those criteria do not apply to this applicant. Tami confirmed this with staff in the Adoption Central Registry, Connie Stevens.

In order for us to release a copy of this sealed original, a court would need to order the release.

As an aside, birth certificates are used to establish identity, among other things, so releasing only one active version of an individual's birth record is a prudent policy.

I am sure there are reasons that are behind the urgency placed on getting a copy of the record, but there is no information on the record he doesn't know.

I can agree that restricting the release when he already knows may not seem like common sense, but there are established processes in law that govern such releases and it does not make common sense that we should break the law.

Please advise if you require additional follow up.

Sharon Danieli, a secretary at DHHS, writes that the <u>letter to Rudolf Owens</u>, dated 3/29/2106, is also intended to be a formal correspondence from Gov. Rick Snyder's office as well on behalf of the Governor. However, the DHHS staff failed to include hat statement and had the letter sent from DHHS and signed by State Registrar Glenn Copeland, without referencing that the letter expressed the views on adoptees' original birth records of Gov. Snyder's office as well.

March 29, 2016

From: Danieli, Sharon (DHHS)

Sent: Tuesday, March 29, 2016 2:42 PM

To: Anderson, Paula (DHHS) < Anderson P3@michigan.gov >

Subject: RE: Story of Interest: Michigan Not Releasing Original Birth Certificate to Adult Adoptee

Hi Paula,

Since he has now sent an email and letter to the Governor's Office, I think a letter or email from Sue or Glenn, indicating they are responding on behalf of correspondence sent to the Governor and to Nick would be appropriate. It can outline what Tami/Glenn have indicated but in a more formal format. Be sure to have Sue or Glenn indicate their titles so he is aware it is at a higher level and not a staff person.

Any	questions,	just	let	me	know.
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Thanks.

Sharon