IN RE: ADOPTION OF FEMALE INFANT

Super. Ct. D.C.
Fam. Div. A-449-59
January 31, 1979

Opinion per Green, J, David Sanoff for petitioner, Nancy Dorsch for D.C.

GREEN, J.:

This matter comes before the Court pursuant to the March 29, 1978, decision of the District of Columbia Court of Appeals remanding the instant case for a full evidentiary hearing to determine whether an adult adoptee may obtain the names of her birth parents and other identifying information from the sealed court adoption records. The sensitive issue raised, one of first impression in this jurisdiction, is deeply important and heartfelt not only to the parties involved in this case, but also to many throughout the District of Columbia.

The petitioner in this matter is an adult female of twenty-two years who is married and the mother of two young children. She was born April 21, 1956, and along with her twin sister was placed for adoption with the District of Columbia Department of Public Welfare during the spring of 1959. Subsequently, the petitioner and her sister were placed in the care of a Maryland couple who initiated adoption proceedings. The final decree of adoption in the petitioner's case was entered on November 6, 1959.

Although the petitioner was three and one-half years old at the time of the adoption, she states that she has no memory of either the proceedings or her birth parents. She has been informed by her adoptive parents, however, that they understand that her birth parents were married and had older children who were not placed for adoption. The petitioner does not know the names of her birth parents or older siblings.

On July 27, 1976, this adult adoptee, who was neither joined nor obstructed in her pursuit by her twin sister, filed a petition and supporting papers seeking permission to examine the court records relating to her adoption. These records are sealed as required by D.C, Code 1973, § 16-311 and may not be opened without a court order.[1] In her supporting affidavit, the petitioner states the following points in support of her request: that she has desired to know the identities of her birth parents and siblings since her early teenage years; that the lack of knowledge has left her with feelings of emptiness and confusion concerning her identity; that she is concerned that possible hereditary diseases or conditions could affect her children; and that her adoptive parents have shared with her all of the information in their possession concerning her adoption and fully support her efforts to learn the identities of her birth family.

The Honorable Charles W. Halleck initially considered this petition. After weighing the conflicting interests involved and indicating his concern about the serious precedential implications of the petitioner's request, he denied the petition and recommended that a prompt appeal be taken. *In re Adoption of Female Infant*, 105 D. Wash. L. Rptr. 245

[1] D.C. Code 1973, § 16-311 provides in pertinent

From and after the filing of the petition, records and papers in adoption proceedings shall be sealed. They may not be inspected by any person, including the parties to the proceeding, except upon order of the court, and only then when the court is satisfied that the welfare of the child will thereby be promoted or protected.

(D.C. Sup. Ct., Feb. 11, 1977). Following the petitioner's timely appeal, the Court of Appeals declined to rule on the merits of the case, although it noted that "[i]t is difficult to imagine a more persuasive preliminary showing by an adoptee than we have here." *In re C.A.B.*, D.C. App., 384 A.2d 679, 680 (1978). Concluding that the trial court had erred in failing to hold a full evidentiary hearing on the petition, the appellate Court remanded the case for further proceedings. Id. Because Judge Halleck was no longer with the Superior Court at time of the remand, the cause was transferred to this Judge for all purposes pursuant to Rule 1 of the General Rules of the Family Division.

An evidentiary hearing, closed to the public in conformity with D.C. Code 1973, § 16-309(f), commenced on October 17, 1978, and continued for three more days over the course of the next month. In order to ensure that all sides of the issue would be aired fully, the Court requested that the Corporation Counsel represent the District of Columbia in the proceedings. Testimony was presented by the petitioner and her adoptive mother as well as by psychiatrists and experts in the field of adoption. (Petitioner also presented testimony of a psychiatrist who evaluated her for purposes of this hearing.) Counsel introduced evidence relating to recent studies of reunions between adoptees and their birth parents and to identity problems of adoptees. The petitioner asserts that her showing meets the statutory standard of § 16-311 in that opening the sealed record will promote and protect her welfare. Alternatively, she argues that § 16-311 is unconstitutional because it denies her rights to privacy and equal protection and interferes with her right to receive information. The Court finds that the petitioner has met the test of § 16-311 and it is therefore unnecessary to address the constitutional arguments.

In the District of Columbia, as in other jurisdictions in the United States, adoption, which was not recognized at common law, is a creature of statute. *Cooley v. Washington*, D.C. Mun. App., 136 A.2d 583, 584 (1957); see Gaylord, *The Adoptive Child's Right to Know*, 81 Case and Comment 38, 38-39 (March-April 1976). Although maintaining the unity of the natural family is a highly desirable goal, society recognizes that many factors may make such unity impossible. By permitting adoption, the community attempts to provide a framework within which a child may become part of a new and stable family unit when the original family group is in disrepair or dissolution. The final adoption decree has the effect of severing the rights and duties of the birth parent towards the child, while at the same time establishing the legal parent/child relationship in all respects between the adoptor(s) and the adoptee. *See* D.C. Code 1973, § 16-312. The dominant purpose behind adoption legislation has always been to serve the best interests of the child. *Barnes v. Paanakker*, 72 App. D.C. 39, 44, 111 F.2d 193, 198 (1940).

Like many other jurisdictions,[2] the District of

[2] *See* Note, *The Adoptee's Right to Know His Natural Heritage*, 19 N.Y.L.F. 137, 137 (1973) (majority of jurisdictions seal adoption records). In some states, sealing provisions apply to birth certificates; other states require that court adoption records be sealed. Presently, only Alabama, Kansas, and South Dakota permit an adult adoptee access to identifying information from official records without a court order. *See* Ala. Code tit. 27, §4 (1973 Cum. Supp.); Kan. Stat. Ann. §65-2423 (Vernon 1972); S.D. Compiled Laws Ann. §25-6-15 (1976). Despite the pressures of adoptees' organizations, it is unclear that the trend of lawmaking favors opening records to adult adoptees. In recent years, Arizona, Connecticut, and Virginia have amended laws that allowed adult adoptees unrestricted access to adoption records to require that inspection by adult adoptees be permitted

Columbia seeks to facilitate its goal of protecting the adoptee's interests by sealing both the court adoption records, see D.C. Code 1973, § 16-311, and the original birth certificate naming the birth parents of the adopted child. *See* D.C. Code 1973, § 16-314. Similarly, the adoption agency that places the child and prepares a court report concerning the prospective adoptive parents is required by law to maintain its records as confidential and to refrain from disclosing the information contained therein. *See* D.C. Code 1973, § 32-785. The secrecy attached to the adoption proceeding is intended to protect the child and the adoptive parents from any stigma of illegitimacy and to afford an environment in which a child may grow and mature unscathed by traumatic conflicts between natural and adoptive parents. *See In re Adoption of a Minor*, 79 U.S. App. D.C. 191, 195-98, 144 F.2d 644, 648-51 (1944). Additional concerns play a role in the sealing of court adoption records as well. Ensuring the privacy of the birth parents encourages them to surrender their children for adoption, secure in the knowledge that they may pick up the threads of their lives without adverse notoriety. *People v. Doe*, 138 N.Y.S. 2d 307, 309 (Erie Cty. Ct. 1955). Sealing the court records also provides a guarantee to the adoptive parents that the adopted child completely becomes their own without fear of later interference by the natural parents. *Mills v. Atlantic City Dep't of Vital Statistics*, 148 N.J. Super. 302, 307-08, 372 A.2d 646, 649 (Ch. Div. 1977). Thus, the sealing of court adoption records is an attempt to accommodate the interests of all parties to the inevitable adoption triangle the adoptee, the adoptive parents, and the birth parents.

This philosophy of confidentiality has been widely accepted in the United States for many years. Recently, however, much controversy over the sealed records requirement has arisen. Organizations of adoptees such as Adoptees in Search and the Adoptees' Liberty Movement Association have sprung up to advocate reunions between adoptees and birth parents and the repeal of sealed records statutes. Legal commentators have written a variety of articles arguing that an adoptee has a right to basic information about his/her past. *See*, *e.g.*, Klibanoff, *Genealogical Information in Adoption: The Adoptee's Quest and the Law*, 11 Fam. L. Q. 185 (1977); Note, *The Adoptee's Right to Know His Natural Heritage*, 19 N.Y.L.F. 137 (1973); Note, *The Adult Adoptee's Right to Know His Origins*, 48 S. Cal. L. Rev. 1196 (1975). The District of Columbia has not been exempt from this controversy. Discussion of the issue in the media has been increasing. *See*, *e.g.*, Lesem, *Parent and Child: Adoption and the American Heritage Search*, *Wash. Post*, May 29, 1977, §H, at 7, col. 1; Mann, *Search Is For Identity, Not For a Real Parent*, *Wash. Post*, Jan. 19, 1979, §B, at 1, col. 1; Moody, *Seeking an Identity of One's Own*, *Wash. Post*, Nov. 26, 1978, §G at 1, col. 3.

Within the past year, the District of Columbia City Council has debated a bill designed to give adoptees access to information about themselves. Following the bill's introduction in late 1977, the City

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only upon the issuance of a court order. *Compare* Ariz. Rev. Stat. §36,332 (1956) and Conn. Gen. Stat. Ann. §7-58 (West 1958) and Va. Code §63.1 -236 (1950) with Ariz, Rev. Stat. Ann. §36-326 (West 1978-79 Supp.) and Conn. Gen. Stat. Ann. §7-53 (West 1978 Supp.) and Va. Code §63.1-236 (1978 Cum. Supp). In 1978, the Maryland legislature considered a bill that would have given an adult adoptee the right to inspect court and adoption agency records relating to his/her own adoption as well as his original birth certificate. After an emotional debate, the State Senate defeated the bill. *See Wash. Star*, Mar. 15, 1978, §B, at 1, col. 2.

Council Judiciary Committee conducted public hearings that drew significant response both pro and con. The Committee considered various drafts of the bill, and a final version, which was more restrictive than earlier drafts, was favorably reported by the Committee and submitted to the full Council. In that form, the bill would have permitted an adult adoptee to inspect his original birth certificate if one or more of his birth parents consented or was deemed to have consented to such inspection. If one birth parent objected to inspection of the birth certificate, identifying information concerning that parent would have been deleted. Access to the adoption agency files for the purpose of obtaining medical information would have been permitted provided identifying information was stricken. Finally, access to the court adoption records would have been allowed the adoptee upon a court order finding that such inspection would promote or protect the adoptee's welfare. *See* Bill 2-238, Inspection of Adoptees' Records Act of 1978, Jud. Com. Rep. (Oct. 25, 1978). After passing several amendments, which increased the age at which an adoptee could request inspection from eighteen to twenty-one and required that consent of one or more adoptive as well as birth parents be obtained before disclosure would be permitted, the Council gave preliminary approval to the bill. *See Wash. Post*, Nov. 15, 1978, § C, at 4, col. 1; *Wash. Star*, Nov. 16, 1978, §D.C., at 1, col. 5. A subsequent vote by the Council for final passage ended in a tie, defeating the bill. *See Wash. Post*, Nov. 29, 1978, §C, at 1, col. 1.

It is against this background of growing intellectual and emotional concern that the petitioner's request comes before the Court. The petition raises three basic questions for consideration:

1. Whether and to what degree the Court may consider the interests of the petitioner's birth and adoptive parents in determining whether disclosure of the information the petitioner seeks will promote or protect her welfare?

2. Whether an adoptee's professed concern regarding possible hereditary diseases or defects is sufficient to support a finding that disclosure of medical information would promote or protect the adoptee's welfare, thereby rebutting the precedential position that such information should remain confidential?

3. Whether an adoptee's allegations of bewilderment concerning her identity are sufficient to support a finding that disclosure of identifying information concerning her birth parents would promote or protect her welfare?

The first of these issues raises a complex and delicate problem. In the instant case, the Court is spared the need to determine what weight, if any, it should accord the interest of the adoptive parents because it is clear that they wholeheartedly support the petitioner's quest. The more difficult question, however, remains: must the birth parents' presumed interest in anonymity[3] bow to the petitioner's desire for information?

Even commentators who favor disclosure of identifying information to adoptees concede that a birth parent's interest in privacy is significant and should not be dismissed lightly. *See* Klibanoff, *supra* at 195. A birth parent who surrendered a child for adoption

[3] The record is silent as to whether the parents sought knowledge about the petitioner's whereabouts or well-being during the almost 20 years following her surrender for adoption in 1959.

has a reasonable expectation that his identity will not be made public. *See* D.C. Code 1973, §§ 16-311, -314. Moreover, experts who testified in the instant case indicated that undoubtedly guarantees of confidentiality were made to birth parents by District of Columbia adoption agencies at the time of the petitioner's adoption. For many years, it has been the national norm for agencies to make such representations.[4]

Testifying on the adoption records bill before the Committee on the Judiciary of the City Council, a trustee of Family and Child Services of Washington noted that assurances of confidentiality are intended to enable a single birth mother to discuss and resolve problems arising from unwed pregnancy. A further important purpose of the confidentiality requirement is to spare the parent the notoriety associated with a birth out of wedlock. Matter of Application of Anonymous, 89 Misc. 2d 132, 133-34, 390 N.Y.S. 2d 779, 781 (Sur. Ct. 1976). On the facts of the instant case, these rationales for confidentiality carry little weight. All of the evidence the Court has heard indicates that the petitioner's birth parents were married to each other and had established a family at the time of her birth. Thus, disclosure of the birth parents' identities would not subject them to any stigma related to illegitimacy.

There is no case law in the District of Columbia to guide this Court in determining whether to subordinate a birth parent's interest in privacy to the adoptee's interest in seeking his identity. Other courts faced with this question have considered it in the context of a sealed records statute requiring that the adoptee show good cause before disclosure can be ordered. Consequently, the courts have attempted to balance the interests of all affected parties and in so doing have accorded great weight to the birth parents' interest.[5]

The governing statute in the instant case, § 16-311, does not incorporate a good cause standard, however. The plain language of the law requires that the Court test the petition by determining whether "the welfare of the child will... be promoted or protected" by disclosing the requested information. There is no mandate that the Court balance the interests involved. Indeed, the phrasing of

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[4] *See* Child Welfare League of America, *Standards for Adoption Service*: Revised §§2.3, 6. 30 (1968) (confidentiality must be preserved both in providing services and in recordkeeping). *But see* Child Welfare League of America, Standards for Adoption Service §§2.3, 4.26 (revisions adopted Dec. 1, 1976) (birth parents should be advised that agency can no longer make firm assurances of confidentiality due to possible changes in law or interpretation; identifying information should be given to adopted adult when authorized by birth parent or ordered by court).

[5] *See, e.g.*, *Application of Maples*, 563 S. W. 2d 760, 763, 766 (Mo. banc 1978) (birth parents' interest in privacy may not be lightly infringed; adoptee's request for identifying information based on psychological need to know should be denied unless parents' consent to disclosure obtained); *Mills v. Atlantic City Dep't of Vital Statistics*, 148 N.J. Super. 302, 319-20, 372 A.2d 646, 655-56 (Ch. Div. 1977) (although neither adoptee nor birth parent enjoys absolute right to privacy, adoptee's attempts to contact birth parent may result in unwarranted intrusion; requests for identifying information should be referred to intermediary agency for investigation and report to court); *Matter of Application of Anonymous*, 89 Misc. 2d 132, 134-35, 390 N.Y.S. 2d 779, 782 (Sur. Ct. 1976) (rights of birth and adoptive parents, as well as those of adoptee, must be considered by court; birth parents are necessary parties to suit and *guardian ad litem* must be appointed to locate and counsel them); *cf. Matter of Maxtone-Graham*, 90 Misc. 2d 107, 109-10, 393 N.Y.S. 2d 835, 836-37 (Sur. Ct. 1975)(court must consider public interest and privacy right of foster parents in determining whether to disclose foster parents' names; adoptee's petition denied as to this information).

the statute prohibits any such balancing process.

The Court is therefore impelled to find in this case that the privacy interests of the birth parents must bow to the interest of the adoptee and that any conflict between the interests of birth or adoptive parents and child must be resolved in favor of the promotion or protection of the welfare of the child. *See In re Adoption of Spinks*, 32 N.C. App. 422, 232 S.E. 2d 479, 483 (1977). The Court admittedly has deep concern with the potentially disruptive effect that disclosure could have on the petitioner's birth parents twenty years after the adoption, even though their situation was not the heretofore classic one of an illegitimate birth.[6] The adoptee's attempts to acquaint herself with her birth parents may well result in immediate if not lifelong distress to herself and to them. Nonetheless, the situation presented by an adult adoptee's petition for disclosure differs vastly from that presented by a minor's request. When an adult petitions for access to sealed adoption records, the burden of proof must shift to the District of Columbia to show that disclosure will not promote or protect the adoptee's interests. *Mills v. Atlantic City Dep't of Vital Statistics*, supra, 148 N.J. Super. at 318, 372 A.2d at 654. Otherwise, it is not for the Court to determine for an adult what is in his best interests however much we might wish to do so. *Cf. In re Osborne*, D.C. App., 294 A.2d 372 (1972) (court will not override adult patient's decision refusing blood transfusion when patient objects on religious grounds and has made provision for minor children). Since it has not been demonstrated that disclosure would prejudice the adoptee's best interests, the petitioner's request must and will be granted. The Court concludes that the language of the statute and the facts of this particular case permit no other resolution.

Turning to the second issue, there is no question that releasing to the petitioner any medical information concerning her birth family contained in the sealed court adoption record would promote and protect her welfare. Understandably, other courts have found that an asserted need for information about possible hereditary health problems may be a legitimate basis for opening such records. *See Chattman v. Bennett*, 57 App. Div. 2d 618, 619, 393 N.Y.S. 2d 768, 768-69 (1977); *Mills v. Atlantic City Dep't of Vital Statistics*, supra, 148 N.J. Super. at 317-18, 372 A.2d at 654-55. This claim is not rendered moot by the fact that the petitioner has already exercised her choice to begin a family. The very fact that she has children makes her concern about hereditary conditions even more compelling.

It has long been preferred practice for adoption agencies to obtain health data about birth parents at the time a child is placed for adoption and to provide this information in a non-identifying form to the adoptive parents. *See* Child Welfare League of America, *Standards for Adoption Service*: Revised §§3.4, 4.13 (1968). The release of similar nonidentifying medical information from the court records would certainly be within the intent of the governing statute.

The petitioner has indicated a need to go beyond this type of data, however. The adoptive mother in the instant case testified that she and her husband received no information about their daughters' birth family from the Department of Public

[6] Because of modern society's significantly changing mores and attitudes, giving birth to a child out of wedlock no longer necessarily creates such a stigma as to require surrendering the child for adoption.

Welfare and that their further inquiries revealed only that the twins had had the measles. The petitioner's ignorance of any predispositions she may have to particular diseases or conditions is not unusual. Testimony before this Court, and logic, indicate that the accuracy of a birth parent's medical history varies greatly with the frankness of the birth parent and the thoroughness of the agency interviewer. Furthermore, the degree of long-term contact that an adoption agency has with a birth parent after adoption is governed purely by that parent. Accordingly, the medical history that an agency relates to an adoptive couple may be very incomplete, and it is almost certainly lacking in significant information that could come to light only at a later date. In order to obtain accurate information about hereditary conditions, the adoptee must contact the birth parents themselves.

Although enabling the adoptee to find his/her birth parents for this purpose may well be considered an infringement of those parents' interest in anonymity, it is indisputable that learning about the medical history promotes the adoptee's welfare. Since the Court may not counterbalance the birth parents' interest in privacy against the adoptee's interest, it inevitably follows that such information as will permit the petitioner to obtain her medical history must be released.

Finally, we must consider whether the petitioner's allegations of bewilderment about her identity establish the promotion or protection of her welfare by disclosing the identities of her birth parents. Courts in other jurisdictions have permitted adoptees access to sealed records in cases in which the petitioners were able to show that their serious psychological disorders stemmed from identity crises. *See In re Adoption of Spinks*, 32 N.C. App. 422, 232 S.E.2d 479 (1977); *Application of Anonymous*, 92 Misc. 2d 224, 399 N.Y.S.2d 857 (Sur. Ct. 1977). This is not the case here, however. The petitioner does not attempt to present herself as emotionally disturbed due to ignorance of her past. On the contrary, the testimony of witnesses at the hearing presented a picture of a mature young woman who is capable of coping with problems and disappointments. The petitioner enhanced this image by her own testimony. She testified that she has always wondered about her birth parents and her own identity. Consequently, she has a deepseated, urgent desire to find and meet her birth parents and older siblings, and she hopes to develop a friendly relationship with them. She also testified, however, that she would not force herself upon her birth parents if they indicated that they did not wish to meet her. (The adoptive mother, reflecting her position and that of the adoptive father, will encourage a family friendship).

Determining whether these allegations are sufficiently compelling to support a finding that disclosure of her birth parents' identities would promote or protect the adoptee's welfare presents the Court with a difficult question. Scholars in the field have confirmed in recent years that adoptees are much more likely than other people to develop identity problems in late adolescence and early adulthood. Sorosky, Baran, and Pannor, *Identity Conflicts in Adoptees*, 45 Am. J. of Orthopsychiatry 18, 18 (Jan. 1975). One common problem from which many adoptees suffer, "genealogical bewilderment," inhibits development of a complete identity because the adoptee feels that a part of himself is cut off and seemingly lost. *Id.* at 21. According to experts, various events in life such as marriage and pregnancy can trigger or heighten an adoptee's concern with

his genealogy. *Id*. at 22. If not overcome, this condition can lead to a confused sense of identity and development of poor self-esteem. *Id*. at 21.

Although the petitioner here does not appear to suffer from an extreme case of genealogical bewilderment, it would appear that she is troubled by it in a mild form. As the mother of two young children, she is confronted with a daily awareness of her family's unfolding present coupled with the realization that she lacks a full knowledge and understanding of her past. After having heard the testimony of the petitioner and her adoptive mother, the Court is convinced that the petitioner's concern about her past is genuine and sincere and that her desire to meet her birth parents and siblings stems not from any malice or ill-will but rather from a desire to complete her sense of identity by finding the people with whom she shares a deep biological bond, affection, and a readiness to bend to realistic understanding of the "whys" that created this "separation" of almost twenty years. It is not insignificant that the petitioner has pursued this matter through Superior Court and the Court of Appeals for more than two years. She has testified that she is fully supported in this action by her husband, and she has indicated her willingness to finance any investigation to locate her birth parents that the Court might order. We concur with the observation of the court in *Mills v. Atlantic City Dep't of Vital Statistics*, *supra*, that "[a]n adoptee who is moved to a court proceeding such as the one here is impelled by a need to know what is far deeper than 'mere curiosity.'" 148 N,J. Super at 318, 372 A.2d at 655.

The Court therefore finds that the petitioner's psychological welfare would be promoted and protected by granting her access to the identifying information contained in the sealed court records of her adoption. It is emphasized that this finding is predicated on the facts of the instant case and the needs of this particular petitioner. Were the adoptee a minor or a person of less maturity, although legally an adult, the Court's decision might be quite different. Given these facts, however, it would be less than appropriate and certainly failing in compassion to refuse to provide the petitioner with access to the information she desires and to which she is entitled.

Accordingly, the petitioner will be provided with the full names and last known addresses of her birth parents, as well as any medical information contained in the court adoption record, following an exploration of the birth parents' reaction to disclosure of their identities. The Court cannot in good conscience ignore the impact that this decision is likely to have upon the birth parents, who are, after all, persons, not just names in a court record. In fairness to them, the Court has searched for a means by which to inform the birth parents of the petitioner's request and the Court's decision.[7]

The Department of Human Resources, as the successor agency to the Department of Public Welfare, is therefore ordered to initiate an immediate investigation at the petitioner's expense to ascertain the whereabouts of the petitioner's birth parents. If such investigation is successful, Department of Human Resources personnel

[7] It is urged that in the future, adoption agencies clearly advise birth parents prior to accepting relinquishment for adoptive purposes of the possibility, perhaps even the probability, of eventual disclosure of identities, The Court also recommends that the agencies continue to compile relevant medical information about the birth family and the adoptee and make every effort to update such information periodically.

are then to contact the birth parents in as unobtrusive and sensitive a manner as possible, inform them of the petitioner's request, and determine whether they will consent to or oppose disclosure of their identities. A report detailing all efforts made by the Department of Human Resources to locate the parents, as well as the parents' decisions regarding the disclosure, is to be submitted to the Court within sixty days of the date of this Order.

Should that report reflect that the Department of Human Resources is unable after intensive investigation to locate the petitioner's birth parents, the Court will then release directly to the petitioner all identifying information contained in the court adoption record for her own individual attempts to contact her birth parents. If one or both of those parents agree to disclosure, the Court will provide the petitioner with all the identifying information from the Court record as well as the current address of the birth parent. If one or both of the birth parents oppose disclosure, the Court will permit those parents to appear in camera, either pro se or through counsel, to present their objections for the record. In this event, although the Court must defer to the overriding interest of the petitioner, it will provide her with only the identifying information contained in the court record. It will then be the petitioner's decision, upon *serious* reflection, whether to attempt to trace and contact the reluctant birth parent or to respect that parent's desire for privacy.

It is emphasized again that the Court has reached this determination following a full evidentiary hearing. The decision is based solely on the merits of this particular request and was reached after due consideration of this petitioner's needs and her ability to cope with the ramifications of disclosure, supplemented by the affirmative, tender, and supportive positions of her husband and adoptive parents. As like petitions come before the Court in the future, each will have to be judged in its own factual context and on its own merits.[8]

[8] It remains for our City Council to mandate, if it chooses, other more specific or differing procedures by which to accommodate the interests of the various parties to the adoption triangle.