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PRESS RELEASE

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Michigan Court Orders State to Give Adoptee Copy of Original Birth Certificate

Portland, Oregon: The Third Circuit Court of Michigan has issued a court order compelling the State of Michigan to release a copy of an original birth certificate to a Detroit native and adoptee who has waited more than 27 years for his original record of birth from the state.

Following a hearing on June 17, Third Circuit Judge Christopher Dingell issued the order on behalf of Portland resident Rudy Owens, 51, who filed a petition with the court in April. State law requires state officials to now provide Owens a copy of his original identity document, which it has denied to him as far back as 1989 and more recently in March 2016. Owens received a copy of the order on July 1.

“For me, this is an issue of justice and basic fairness, not just for myself, but for millions of adult adoptees who face often hostile, legalized discrimination by Michigan and other states simply because we were adopted at birth,” said Owens.

Copies of Owens’ repeated requests, the state’s repeated refusal to share records, the court order, and a summary of a FOIA records request are on his web site: www.rudyowens.com/birth-certificate/.

In a letter dated March 29, 2016, the Michigan Department of Health and Social Services denied Owens his document, even though Owens had provided DHSS Director Nick Lyon documents showing his birth mother had consented to release all identifying records to Owens in 1989. Owens has known his birth family now for decades and provided Lyon and DHSS copies in March of other original identity documents that were given to him in 1989.

Those records show his original birth name of Scott Douglas Owens, including his original medical records, adoption decree, and other court documents.

“Michigan’s repeated refusal to give me a copy of what is mine is supposedly in defense of out-of-date adoption laws that once stigmatized vulnerable single mothers and kept adoptees from knowing their family origins, as well as potentially life-saving family medical history,” said Owens. “The fact that I know who I am and have my other records show this defense has no rationale basis. I have known my biological kin now for decades. I have legally changed my name to incorporate my original birth name. I have records that bear my birth name. Withholding my original birth certificate is an arbitrary exercise of power and does not serve the people of Michigan and even warps the misguided original intention of these now outdated laws and often harmful legal practices of closed adoptions.”

Owens was born in Detroit in April 1965 and placed for adoption six weeks after his birth. He was given a new adoptive name Martin Rudolf Brueggemann, which he legally changed in 2009 to Rudolf Scott-Douglas Owens. His new name combines his birth and adoptive names.

Owens found his birth family in 1989 and his birth mother provided legal consent to the State of Michigan, the Wayne County Probate Court, and the adoption agency Lutheran Child and Family Services (formerly Lutheran Children’s Friend Society). The Wayne County Probate court and LCFS, by law, were required to give Owens his adoption records once proof of consent was provided, but the State of Michigan refused to provide a copy of the original birth certificate. Even in 1989, that misinterpretation of law had no legal basis because Owens had already made contact with his family and knew his original name.

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“Rigid bureaucracies and officials who manage vital records have appeared to lose track of even why archaic state laws promoting adoption secrecy came into being in the first place,” said Owens. “In the United States since the 1990s, states have started moving beyond secrecy that long harmed single mothers and denied adoptees equal treatment under the law and the U.S. Constitution. If one purpose of those laws was to prevent an adoptee from knowing his kin, that failed and failed spectacularly—adoptees will always want to connect with their origins because that is the most normal thing a human can do. No rational person can defend the state’s inflexible views given the facts presented to the court.”

Today, adoption in the United States has shifted from being a closed system to prevent birth parents from ever meeting their relinquished children to an open system where they know each other, thanks to advocacy of birth mothers and adoptees. Since 1975 in the United Kingdom all adoptees 18 and older have access to all of their birth records, without exception.

However, Michigan’s laws legally discriminate against adoptees born between 1945 and 1980, denying them access to their original birth records granted to all other citizens born in the state of Michigan, except by court order. For adoptees born during that time frame, Michigan statute states “...the original certificate and the evidence of adoption or sex designation are not subject to inspection except as otherwise provided in section 2882(2) or (3) or upon a court order.” Michigan DHHS states on its web site: “For those adoptions that occurred between May 28, 1945 and September 12, 1980, the release of the original birth certificate is contingent upon a court order.”

(See DHHS page: http://www.michigan.gov/mdhhs/0,5885,7-339-8319_8566-16914--,00.html. See *Michigan statutes, section 333.832: substitution for original certificate; inspection; restoration of original certificate upon notice of annulment or rescission of adoption; preparing new certificate on delayed; certificate form; sealing or forwarding original certificate.* <http://www.legislature.mi.gov/%28S%285yg5efdv:ldag5jj1e5m3p51%29%29/mileg.aspx?page=GetObject&objectname=mc-333-2832>.)

Failure by Michigan DHSS to provide Owens a copy of his original certificate now would be a clear violation of both a court order and state law. In response to Owens’ March 2016 request to DHSS Director Lyon, the agency wrote it might be above the law and that releasing that document even upon a court order was at that state’s discretion. (See attached March 29, 2016, copy of denial letter written by State Registrar Glenn Copeland.)

The department does not get to decide what adoptee can see their original birth records if ordered by a court to do so. Said Owens, “State law, even in its current form that discriminates against adult adoptees, is crystal clear. There is no ‘could’ here. There is no discretionary power here. Once a court order is made, the state must by law surrender a copy of the original birth certificate. Period.”

For more information by Owens on how the State of Michigan has unfairly denied Owens and other adoptees equal treatment and basic rights, please visit Owens’ adoption web page on his web site at: www.rudyowens.com/adoption/. The page includes a detailed history of how Michigan and other states have discriminated for decades against American citizens solely on the basis of their status being adopted.

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