

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

IN RE PETITION OF  
[REDACTED],

Case No. 1:25-ad-0001-MJS  
Adoption No. [REDACTED]  
(SEALED CASE)

MEMORANDUM ORDER

Before the Court is the petition of [REDACTED] (“Petitioner”) to unseal her adoption records. For the reasons explained below, the Court **GRANTS** the petition.<sup>1</sup>

**BACKGROUND**

This Court maintains sealed records for District of Columbia adoptions that were finalized before creation of the Superior Court of the District of Columbia. Under D.C. law, “records and papers in adoption proceedings shall be sealed” and “may not be inspected by any person, including the parties to the proceeding, except upon order of the court ... when the court is satisfied that the welfare of the child will thereby be promoted or protected.” D.C. Code § 16-311.

Historically, this level of secrecy—*i.e.*, sealed adoption records—was not a part of most original adoption statutes enacted throughout the United States, but the practice began to take hold in many states in the early 1900s. Emily Ingall, *A Presumption in Favor of Openness: Unsealing Adoption Records*, 26 *Cardozo J. Equal Rts. & Soc. Just.* 305, 308 (2020). Even then, the records

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<sup>1</sup> As a matter of past practice, magistrate judges in this courthouse often resolved adoption-records petitions through a report and recommendation presented to a district judge for approval. But under the governing rules, at least as they exist today, that multi-step process is unnecessary. By statute, “a judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court,” except for certain categories of matters not relevant here. 28 U.S.C. § 636(b)(1)(A). And “[a] magistrate judge may be assigned such additional duties as are not inconsistent with the Constitution and the laws of the United States.” *Id.* § 636(b)(3). In keeping with that statutory framework, our District’s Local Rules expressly provide that magistrate judges “shall have the duty and the power to ... consider petitions by adopted persons to open adoption records of the Court.” D.D.C. LCvR 72.1(a)(7). Accordingly, the undersigned is duly empowered to resolve this matter directly by order rather than by report and recommendation. *See also In re [Redacted]*, 2024 WL 5241506, at \*1 n.1 (D.D.C. Oct. 7, 2024) (same).

were typically closed only to the broader public, but not the affected parties: “the prevailing view was to keep records sealed until the adoptee became an adult, when they could receive their records and their birth parent’s information.” *Id.* Around the time of World War II, however, many jurisdictions began passing laws that sealed adoption records entirely—including as to the adoptees themselves—absent a court order. *See id.* at 308–09. The practice was driven in large part by concerns about protecting birthmothers and adopted children—many of whom were born out of wedlock—from what many at the time viewed as a stigma of “illegitimacy.” *See id.* at 312.

But those generational perspectives, and the social science surrounding adoption writ large, have shifted considerably with the times. These days, “closed” adoptions—*i.e.*, those that remain fully confidential—represent only a “tiny minority” of all adoptions in the United States. Deborah H. Siegel & Susan Livingston Smith, *Openness in Adoption: From Secrecy and Stigma to Knowledge and Connections* at 7 (March 2012), <https://perma.cc/U23R-VUKP>. One recent study estimates that just 5% of surveyed adoptions completed within the prior two years were fully closed, while the balance encompassed at least some measure of openness (*e.g.*, contact, information sharing, and so on) between the birthparents and the adopting family. *Id.* Research increasingly confirms that the benefits of openness are myriad and meaningful—for adopted children, birthparents, and adoptive parents, alike. *See id.* at 16–21. And this evolution in thinking reflects what all adoptive families know: there is no stigma tied to adoption. Families come in many different shapes and sizes. But they are all born of love. And they are surely all legitimate.

Despite these “significant strides” in the realm of adoption, though, “elements of its clandestine, stigmatized past remain—and, as a consequence, so do many myths, misconceptions and inaccurate stereotypes.” *See id.* at 5. One could argue that the District of Columbia’s ongoing statutory approach to sealing adoption records—even as to adult adoptees themselves—contributes

to that dynamic. As one author argues: “A change in society calls for a change in the law.” Ingall, *supra*, at 327. Yet unlike many states that now permit adult adoptees to access their birth records without restriction,<sup>2</sup> the D.C. Code continues to bar adoptees from gaining access to their own information unless they can muster the resources and information to convince a court that unsealing their records would “promote[] or protect[]” their welfare. D.C. Code § 16-311.

Invoking that framework, Petitioner is a 71-one-year old adoptee who seeks to access her original adoption records for purposes of uncovering relevant medical information and to potentially contact her birth parents. (ECF No. 1 at 2.) As is typical in these cases, the Court appointed an intermediary, the Barker Adoption Foundation (“Barker”), to research and provide information on Petitioner’s biological relatives. (*See* ECF No. 6.) Barker recently provided its report. (ECF No. 7.) According to Barker’s investigation, Petitioner’s biological mother is, unfortunately, now deceased, and she had no other children. (*Id.* at 1.) Barker also identified an individual who may have been Petitioner’s biological father, but he likewise passed away some time ago. (*Id.*) He had one son, however, who is alive and may be Petitioner’s half-brother. (*Id.*)

### LEGAL STANDARD

Under current law, adoption records can only be unsealed and inspected “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. Code § 16-311. “[T]he term ‘child’ in § 16-311 extends not only to minors but also to adoptees who are adults at the time of the request for disclosure.” *In re G.D.L.*, 223 A.3d 100, 105 (D.C. 2020). When evaluating a petition for disclosure, the Court uses its discretion to “balance the welfare of the adoptee with the interests of other affected individuals,

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<sup>2</sup> *In re [Redacted]*, 2024 WL 5241506, at \*1 & n.2 (collecting state statutes that, as of July 2024, imposed no restrictions on adult adoptees who wish to access their original birth certificates).

such as the biological and adoptive parents,” but “the most important consideration is whether disclosure would be in the interests of the adoptee.” *In re [Redacted]*, 2024 WL 5241506, at \*2; *In re G.D.L.*, 223 A.3d at 106 (emphasizing that adoptee’s interests are “paramount”). “[T]he interests of the biological parents” carry some relevance, but they “are by no means necessarily dispositive.” *In re G.D.L.*, 223 A.3d at 106 (cautioning to “give greater weight to the interests of the adoptee than to the interests of biological parents”). Nevertheless, the D.C. Court of Appeals has suggested that a “court should take reasonable steps to provide the biological [parents] with notice and an opportunity to be heard with respect to the motion for disclosure.” *Id.* “[B]arring unusual circumstances,” a court typically has “no reason to doubt that disclosing an adoption record would be in the interests of an adult who seeks disclosure of his or her own adoption record.” *Id.* (citing *In re D.E.D.*, 672 A.2d 582, 584 (D.C. 1996)).

#### ANALYSIS

In applying these governing principles, the Court determines that disclosure is amply warranted here. Starting with the primary and “paramount” consideration, Petitioner is an adult adoptee without any apparent unique circumstances, so the Court has no trouble concluding that disclosure is in her best interest. *In re G.D.L.*, 223 A.3d at 106. As indicated in the petition, Petitioner hopes to discover potentially helpful medical information associated with her birth parents. (See ECF No. 1 at 2.) And although the results of Barker’s investigation confirm that Petitioner is no longer able to make contact with her birth parents, as she had hoped, she still can learn more about her broader identity from the information contained in her records. More, Barker’s report suggests that Petitioner may have a living half-brother who she might wish to contact to learn more about her potential birth father. These points easily demonstrate that disclosure would promote Petitioner’s own welfare, as the Court must find. D.C. Code § 16-311.

Meanwhile, there are no countervailing considerations that counsel against disclosure. For starters, according to Barker’s report, Petitioner’s birth mother and likely birth father are both deceased, so any objection to disclosure they might have raised—*e.g.*, continued confidentiality or a general desire to remain uncontacted— “has dissipated.” *In re [Redacted]*, 2024 WL 5241506, at \*2. More, to the extent that adoptive parents, in some circumstances, might invoke an interest against disclosure, here Petitioner already knows that she is adopted, so there seems to be little to no harm in this 71-one-year-old learning more about her biological family. Finally, any interests of Petitioner’s potential half-brother can be protected by Barker’s work as an intermediary. If he wishes to remain uncontacted, Barker can work with Petitioner to respect that desire. Accordingly, the balance of relevant interests here overwhelmingly reflect that unsealing Petitioner’s adoption records would promote her own welfare.

### CONCLUSION AND ORDER

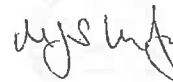
Accordingly, the Court **ORDERS** that Petitioner be granted access to her adoption records. The Clerk of the Court is respectfully directed to mail a copy of the records (ECF No. 3), Barker’s report, and this Order to Petitioner at her address of record. The records shall then be re-sealed.

The Court **FURTHER ORDERS** that Barker may share the results of its investigation with Petitioner, and Barker may work with Petitioner and her potential half-sibling to (1) confirm if they are biologically related and (2) see if there is mutual interest in establishing contact.

This is a final order. The Clerk of the Court is respectfully directed to close this case.

**SO ORDERED.**

Dated: May 29, 2026



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MATTHEW J. SHARBAUGH  
United States Magistrate Judge