

Keep Ohio on PAHR

Provide Access to Historical Records!

Ohio House Bill 139

Common Myths

MYTH 1: Birthparents and the mentally ill were promised anonymity at the time of their proceedings.

- ❖ **FACT: There were no legal promises of anonymity made to either birth parents or the mentally ill. The first statute protecting the information of the mentally ill went into effect on October 25, 1961, as part of ORC 5122.31, prior to that no statute protecting the identity of mentally ill patients existed, even then and now under section 5122.31(A) the court journal entries, court docket entries and the indexes are public records, as reaffirmed in Ohio Attorney General Opinion 77-043. Prior to 1961, mental illness cases that were processed by the Probate Court were published in local newspapers. Under Ohio law, adoptive parents can choose not to have their child's birth certificate amended which would result in the birthparents' names staying on the birth certificate. With the increase in availability of DNA testing through Ancestry.com and similar companies, individuals can often find family members, including siblings and parents that they never knew. Ohio government should not be involved in maintaining a "promise" that it never made.**

MYTH 2: The information in these records could negatively impact the lives of people living today.

- ❖ **FACT: Open records provide the facts as they stood at the time the records were created. For descendants, these records dispel long-time rumors and replace them with documented information. In the 21st century there has been a lot of discussion about PTSD and the suicide crisis among our military veterans. Information from Veterans' Relief, County Infirmary, or Lunacy records could bring to light more information about the struggles individuals went through in past wars. Attitudes about adoptions and mental illnesses have changed over the years. What was once considered a mental illness may be recognized today as a treatable medical condition. The closed time period of 100 years takes into consideration any complications or emotional impact that opening these records might have for certain individuals since it allows the timespan of at least one generation to have passed. This is also in line with the Federal Government's policy to lift restrictions on United States census records after 72 years and Ohio's policy that lifts restrictions on access to Mental Illness records 50 years after the patient's death and opens up Veterans' Discharge records after 75 years.**

MYTH 3: People do not have a right to access confidential records about someone even 100 years after the event.

- ♥ **FACT: Some records do lose their confidentiality upon death, or a set time after death, such as student records (FERPA), Ohio Military Discharge Records, and Ohio Department of Mental Health and Addiction Services records. Historical Records provide valuable insight into our collective history as a state, as a society, and as families. Research of these records is requested by historians and genealogists, both professionals and family history practitioners, for a variety of reasons. In genealogy research, many public records actually may tell part of that story without providing the full context that the confidential records can give. For instance divorce or will records may uncover unknown relatives who may have been adopted. Medical professionals encourage individuals to know about their family health history. Some of the records covered by H.B. 139 can provide families with this important health information regarding potential genetic health risks.**

MYTH 4: Will lifting the confidentiality of these records after 100 years deter people from going forward with an adoption today?

- ♥ **FACT: Mores and attitudes toward adoption have changed a great deal. Social media, and DNA tests have also opened up new avenues for people who are interested in finding their birth parents or children placed for adoption. If we want to approach these types of societal issues with a goal of removing the shame, that could be accomplished by showing the universality of experiences from generation to generation. Today most of us feel compassion for the difficulties our ancestors dealt with in these situations.**

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