

June 7, 2017

The Honorable Andrew J. Lanza
3845 Richmond Avenue, Suite 2A
Staten Island, NY 10312

RE: Your sponsored bill #S4845A regarding “Adoptee Rights”

Dear Senator Lanza,

We write in regard to S4845A, “An Act to amend the domestic relations law . . . in relation to adoptee rights,” which you are sponsoring. **This, unfortunately, is not a bill that our organizations or constituents can support.**

It is our understanding that you have requested that S4845A be moved out of committee and to the floor for a vote. **We are hopeful that you will reconsider your support for and sponsorship of this bill. Based on our research and expertise, we do not believe that this bill, in its current form, is the solution to the very laudable goal of allowing adults adoptees access to their original birth certificates.**

While we greatly appreciate that you have been sponsoring various versions of adoptee rights bills with Assemblyman Weprin since the 2011 session, the original intent of this legislation is no longer evident in the current incarnation of S4845A. In fact, due to amendments, this bill bears little or no resemblance to the bill you initially agreed to sponsor.

We understand that in regard to this bill, some feel that “half a loaf is better than none,” but the experience of other states does not support this. We are concerned that if this bill progresses further, we will spend the next several decades undoing the unintended damage to adoptee rights in New York.

If S4845A should does successfully move forward, the legislation would not only go against its initial purpose, but would create a legal precedent that would continue to be discriminatory to our fellow New York adopted citizens, open up the state to unforeseen liabilities and would have a negative impact to adoptees in other states who are also considering this issue. For example:

- **S4845A states that *no person, including the attorney for the adoptive parents, shall disclose the surname of the child* directly or indirectly to the adoptive parents except upon order of the court. **With 95% of current adoptions having a degree of openness including the exchange of identifying information between parties, this alone would criminalize adoption professionals, birth parents, adoptive families and adoption attorneys.** Best practices and a growing raft of research indicate that open adoption is best for the child and the adults involved. S4845A runs contrary to this.**
- **This bill seeks to create a system of state-controlled contact and adoption searches. This is unnecessary.** Adoptees and birth parents have been searching and reuniting for decades without state interference. S4845A also calls for the use of a state-based confidential

intermediary system, but makes no mention of where the funding will come from, how staff will be trained or what education will be provided. This unnecessarily complicates contact and searches, and places an unnecessary additional burden on the state.

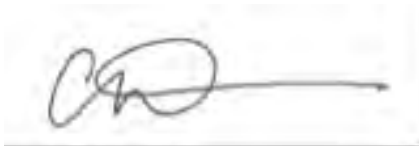
- S4845A continues the mythology that birth parents' have a right to confidentiality. Research clearly shows that birth parents were never promised true legal confidentiality and no American has the "right" to anonymity. **If this bill passed, New York would be giving new rights to people who never had them before.** Social media, scientific advances in DNA testing and genealogy search techniques have all effectively diminished. **Given this, S4845A would seem to grant or sanctify an anonymity that is impossible.** This would potentially open the state to additional liabilities if a birth parent who believed the "promise" of anonymity sanctified by this bill is found through other methods. Presently, that birth parent would have no cause initiate a claim against the state. If S4845A is enacted, he or she would.

We urge instead to support S5169A, sponsored by Senator Avella. This true Adoptee Rights bill would give our great state's adoptees what they truly deserve. It closely mirrors the original intent of the significantly amended S4845A that you are currently sponsoring.

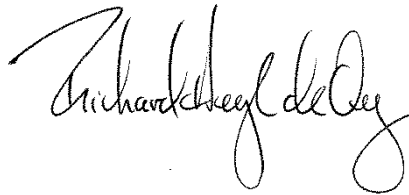
Senator Avella's bill is supported by the many in the adoption community that our two organizations represent – adoption agencies and professionals, adoptive families, birth parents, and of course, those adopted in New York. S4845A is not.

Adoptees deserve the right to equal treatment under law. S4845A is not about equality and must not become law. We hope you will reconsider your support and we are available to discuss further if you wish.

Sincerely,



April Dinwoodie
Chief Executive
Donaldson Adoption Institute



Richard Heyl de Ortiz
Executive Director
Adoptive and Foster Family Coalition of New York