

EVAN B. DONALDSON

adoptioninstitute

New York State Legislature
State Senate Leadership Committee

May 2, 2013

RE: S2490a

Honorable Members of the State Senate Leadership Committee:

The Donaldson Adoption Institute is an independent, nonpartisan, nonprofit research, policy and education think tank. We provide research and analysis on many issues in order to improve adoption-related laws, policies and practices. This correspondence regarding S2490a is intended to explain the state of professional knowledge on one of those issues: the availability (or lack thereof) of original birth certificates to adopted persons once they reach the age of majority. The Adoption Institute has conducted the most extensive research and analysis to date on this issue; I have attached the Executive Summary of our most recent report on the subject, and both full publications are available at <http://tinyurl.com/RecordsI> and <http://tinyurl.com/RecordsII>.

I will keep this letter brief, as I'm sure you already have received a great amount of information from all sides. We can provide you with any additional data you might need or want, would be delighted to address any questions you encounter, and have submitted more-extensive, research-based written testimony.

In short, studies consistently show that sealed birth certificates are an anachronism born of society's desire to protect the reputations of adoptees and their birthparents at a time when unwed mothers were severely stigmatized and the children born to them were denigrated as "bastards." Indeed, birth certificates were often stamped with the word "illegitimate." Over time, the cultural rationale has shifted to maintaining the anonymity of birthmothers. However, nearly all available evidence indicates that these women – while sometimes wanting privacy in their families and not wanting their situations public – overwhelmingly desire some level of contact with or knowledge about the children they bore; that they favor adoptee access to their birth certificates (or, at least, do not oppose it); and, contrary to popular perception, that they were not legally assured of anonymity. Moreover, the vast majority of adult adoptees want the records for a variety of reasons, notably medical and genealogical ones.

Two additional, critical points: First, a number of states in recent years have enacted laws granting adult adoptees access to their original birth certificates – with none of the negative consequences that critics had predicted. Perhaps most important, the unambiguous conclusion from a growing body of research is that greater knowledge about their histories (biological and personal) yields better outcomes for adoptees and their families. That is the principal reason, in both professional practices and new statutes throughout the U.S. during the last decade, the singular trend has been toward increased disclosure. A few adoption practitioners, and organizations representing them, still advocate for closure – sometimes by confusing "anonymity" and "privacy" or by using discredited data on a supposed "link" with abortion – but these practitioners represent a small and shrinking minority in the field.

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I hope these comments are useful. Know that I would be delighted to discuss the topic further with you in person and when appropriate, submit written testimony. Please feel free to contact me at apertman@adoptioninstitute.org or [617-332-8944](tel:617-332-8944) if you have questions or need more information.

Thank you for your attention and for your important work.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Pertman".

Adam Pertman
Executive Director