

THE DONALDSON ADOPTION INSTITUTE

June 17, 2015

Dear Members of the Assembly,

We are writing to you to express concerns with the amended version of A 02901, a bill that would allow adopted persons to access their original birth certificates. Since 1996, The Donaldson Adoption Institute (DAI) has worked to improve the lives of children and families across our country and around the world through research, education and advocacy that have led to better laws, policies, practices and perceptions. To achieve our goals, we investigate the issues of greatest concern to first/birth parents, adopted persons, adoptive/foster families, the people who love them and the professionals that serve them. We then determine best practices and offer policy recommendations working with a broad array of partners in educational efforts and advocacy campaigns. Although DAI had supported A 02901 in its original version, it is our understanding that an amended version has since been published. Upon initial review of the amended text, a variety of concerns have arisen. As such, DAI cannot support A 02901 as it currently stands.

Both the research base as well as the lived experience in adoption supports the fact that first/birth mothers do not oppose adopted persons receiving a copy of their unaltered original birth certificate. In states that allow access to original birth certificates, the evidence demonstrates that the institution of adoption has not been harmed by this access and that the majority of first/birth parents are not seeking anonymity from their children.

Courts have held that there is no enforceable contractual guarantee to birthparent anonymity from adoptees, there is no constitutional right to privacy protecting birthparent anonymity from adoptees, and there is no statutory guarantee of birthparent anonymity from adoptees. Further, the reality is, with advances in internet and social media technology as well as the development of more refined DNA testing, it is impossible to assume that any person can expect anonymity within the adoption experience.

Best practices in adoption support the basic fact that secrecy in adoption does not serve any member of the adoption community, including first/birth parents, adoptive parents or adopted persons. At a bare minimum, adopted persons deserve information pertaining to their ethnic and medical history as a matter of human right. Adopted persons should not have to navigate costly and cumbersome court systems in order to gain basic facts about themselves.

A 02901 in its original version balanced the right of adopted persons to receive a copy of their original birth certificates while also allowing first/birth parents to express their preference for contact from the adopted person. We urge you to consider the research and evidence when deliberating legislation that impacts this large and diverse community in New York. We have every hope that the legislature in New York will seek to advance bills that truly have the ability to positively impact members of the adoption community. The amended version of A 02901 falls short in this regard.

I appreciate your time and attention to this important matter. I welcome an opportunity for further discussion in this area. Please do not hesitate to contact me should you have any further questions or concerns.

Sincerely yours,



April Dinwoodie
Chief Executive