

May 15th, 2017

Members of the New York State Assembly Health Committee

RE: A05036A

Dear Chairman Gottfried and Members of the Health Committee,

We are writing to you surrounding the issue of adopted persons' access to their original birth certificate in New York. **We have significant concerns surrounding A05036A which relates to adoptees access of their original birth certificate. This bill does not adequately address the rights of adopted persons to access their original birth certificate and it creates a cumbersome system of outreach and approvals that are unnecessary, burdensome, and potentially costly.** We detail below our position on access to original birth certificates.

Since 1996, [The Donaldson Adoption Institute](#) (DAI) has been on a mission to improve the lives of children and families through research, education and advocacy. We investigate the issues of greatest concern to first/birth parents, adopted people, adoptive/foster families, the people who love them and the professionals that serve them. We educate and train professionals, enlighten parents and engage members of the community to make a positive impact on laws, policies, practices and perceptions.

Founded in 1975, the [Adoptive and Foster Family Coalition of New York](#) (AFFCNY) unites adoptive and foster parent groups, concerned agencies and individuals throughout the Empire State. We represent the families' viewpoint and work to improve and expand the services available to children and families. By fostering communication and collaboration between families, agencies and concerned citizens, AFFCNY seeks to ensure the stability, well-being and permanency of all children touched by the child welfare system.

DAI has released publications surrounding the issue of Access to Original Birth Certificates which can be viewed at [OBC Access](#). These works support unrestricted access to original birth certificates for adopted persons upon reaching adulthood. Providing adults who were adopted with access to their original birth certificates does not threaten the integrity of adoptive families or the institution of adoption; rather it lends itself to healthier outcomes for families. In fact, secrecy in adoption can undermine the integrity of adoption and it can perpetuate shame for all members of the adoption constellation.

Although opponents to access often argue that birth parents were guaranteed privacy at relinquishment, cases in states that have restored access have held that there is no enforceable contractual or statutory guarantee to birth parent anonymity from adoptees nor is there a constitutional right to privacy protecting birth parent anonymity from adopted persons. Further, our research demonstrates that the overwhelming majority of birth parents do not wish to remain anonymous nor do they oppose adopted adults access to their own birth certificate. Additionally, outcomes in states that have restored the right of adopted adults to access their original birth certificates have been positive and without the negative consequences opponents predict. In fact, DAI's [Public Opinion](#) research reveals that the majority of the general public also supports the right of adopted persons to access their original birth certificate.

Best practices in adoption today support the concept of openness, meaning that birth and adoptive families do not remain anonymous to each other as was the outmoded, historical practice in adoption. [DAI has found](#) that 95% of agencies offer some form of open adoptions. This is borne out by calls from families received by AFFCNY's statewide HelpLine. The practice of adoption has opened based on findings that demonstrate the damage a closed and secretive system has perpetuated for all members of the adoption constellation. Our laws now need to reflect both best practices in adoption as well as the realities of adoption today.

It is important to remember that the basic legal standard in adoption is to ensure the best interest of the child. In doing so, it is paramount to consider the entire lifespan of the child to be adopted. Practically, adopted persons who lack access to their original information are left without potentially life-saving family medical history as they mature into adulthood. These individuals are without basic information surrounding their cultural and ethnic history. Many federal public health agencies have acknowledged that family medical and genetic data have the potential to aid in the prevention, early detection and treatment of thousands of inherited diseases. Similarly, in 2009, the U.S. Surgeon General established a Family History Initiative, which recognized that familial medical history can be of vital importance in the diagnosis and treatment of medical conditions and illnesses that are genetically based.

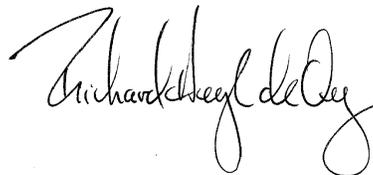
Most importantly, adopted persons are denied a right that all other individuals in the United States currently enjoy; the right to know the truth of their origins. Birth certificates are considered a 'vital' record; it is imperative that we restore to adopted adults their right to access their own vital information just as their non-adopted peers are allowed.

A05036A falls short in many areas and ultimately does not address the rights of adopted persons to access their original birth certificate. However, there is other legislation, A06821A/S05169A, that has been introduced and better address the issue at hand and are in keeping with current research and practice in adoption. We urge you to consider supporting A06821A as a matter of adoptee rights and to ensure the well-being of adopted persons in New York. We appreciate your time and attention to this matter and welcome any questions you may have surrounding this critical issue.

Best,



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