

Voice for Adoption

SPEAKING OUT FOR OUR NATION'S WAITING CHILDREN

THE DONALDSON
ADOPTION INSTITUTE



June 27, 2017

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

RE: A05036-B/S04845-B

Dear Governor Cuomo,

We, the undersigned leading child welfare organizations, are writing to you in opposition to A05036-B/S04845-B, which relate to adoptees' access to their original birth certificate. **We have significant concerns surrounding A05036-B/S04845-B, which recently passed out of the Assembly and the Senate. This bill does not adequately address the rights of adopted people to unrestricted access to their original birth certificate and instead creates a cumbersome system of outreach and approvals that are unnecessary, burdensome and costly to both the individual and the state.** We detail below our position on access to original birth certificates.

Research findings on the issue of access to original birth certificates support unrestricted access to original birth certificates for adopted people upon reaching adulthood. Providing adults who were adopted with access to their original birth certificates does not threaten the integrity of adoptive families, violate the rights of birth 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.

Best practices in adoption support the concept of openness — meaning that birth and adoptive families do not remain anonymous to each other. Research and practitioners' reports show that 95% of agencies now offer some form of open adoptions. The practice of adoption has opened based on findings that demonstrate the importance to adoptees of knowing their history and 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.

Although opponents to access often argue that birth parents were guaranteed privacy at relinquishment, cases in states that have restored access have noted that there is no enforceable contractual or statutory guarantee to anonymity for birth parents from adoptees — nor is there a constitutional right to privacy in these cases. Certainly, given today’s easy access to DNA testing procedures and advanced social media technologies, it is virtually impossible for anyone to be assured of anonymity. Further, evidence demonstrates that the overwhelming majority of birth parents are not seeking anonymity nor do they oppose adopted adults’ access to their own birth certificate.

Research has also demonstrated positive outcomes in states that restored the right of adopted adults to access their original birth certificates without restriction. No state has seen the negative consequences opponents predict. In fact, The Donaldson Adoption Institute’s [Public Opinion](#) research reveals that the majority of the general public supports the right of adopted people to access their original birth certificate.

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 adopted person. In practice, adopted people 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. For example, in 2009, the U.S. Surgeon General established a Family Health 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 people 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 unrestricted access to their own vital information just as their non-adopted peers are allowed.

A05036-B/S04845-B ultimately does not allow adopted people the human right to access their original birth certificate without restrictions. This bill is fatally flawed in numerous ways and is harmful to the adoption community. It does not reflect research or best practices in adoption. The bill is discriminatory to adopted people as a whole and the bill does not allow for adopted people to be treated equally under the law. A05036-B/S04845-B does not have the support of leading child welfare organizations, both locally and nationally, nor does it have the support of the majority of the adoption community. We urge you to exercise your right to halt this legislation and issue a veto. A05036-B/S04845-B is not a solution that speaks to equality or human rights for adopted people

We appreciate your time and attention to this matter and welcome any questions you may have surrounding this critical issue.

Sincerely,

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Executive Director, [North American Council on Adoptable Children](#)

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