

A Comparison of Bill Memos for S7550 and S7631, as compared and produced by
the New York Adoptee Rights Coalition (nyadopterights.org).

BILL NUMBER: ~~S7550~~ — Revised 2/1/18 — ~~S7631~~

TITLE OF BILL: An act to amend the public health law and the domestic relations law, in relation to ~~enacting the "bill of adoptee rights" authorizing adoptees to obtain a certified copy of their birth certificate~~

PURPOSE OR GENERAL IDEA OF BILL: ~~This bill would allow an adopted person who is at least eighteen years~~ Establishes the right of ~~ageadoptees to requestreceive a certified copy of his or her originaltheir birth certificate and/or a medical history form if available. Adopted persons born outside upon reaching the age of, but adopted within, the state of New York shall have the right to secure from a court of competent jurisdiction a certified copy of his or her original birth certificate and/or medical history form if available.~~ 18

SUMMARY OF PROVISIONS: Section 1 of the bill amends the public health law by adding a new section, § 4138-e, to ~~establishacknowledge that the "Bill of Adoptee Rights". An adoptee, whoaccess to accurate and complete medical and self-identifying data of any adopted person is at least 18a violation of that person's human rights and is contrary to the tenets of governance. 2 (a) states that an adopted person eighteen years old, may request and receiveof age can obtain a certified copy of his or her original birth certificate and/or a medical history form, if available, upon properapplication, presentation of proof of identification and the payment of a nominal fee. Where only a medical history form is requested, the birth certificate and contact preference form will not be sent, but may be requested at a later date. If a copy of the birth certificate cannot be provided, then the adult adoptee may secure from a court of competent jurisdiction or the adoption agency the information that would have appeared on the original birth certificate. A contact preference form and/or a medical history form may be filed by the birth parent(s) with the Department of Health at any time.~~

~~Section 2 amendsSections 2, 3 and 4 amend § 4138 of the public health law to allow an adult adopted person to requeststate that a certified copy or certified transcript of the certificate of birth based upon the original certificate of birth upon proper proof of identity and a written such a person shall be issued upon notarized request by an adult adopted person.~~

~~Section 3 amends § 4138 of the public health law to provide that when a verified transcript or certification of birth is issued by the registrar, it will be required to issue the document based upon the original local record of birth upon a written notarized request by the adult adopted person once proper proof of identity is provided.~~

~~Section 4 amends § 4138 of the public health law to require that when a commissioner makes a new birth certificate for an adult, then a certified copy, a certified transcript and a certification of birth will be forwarded to such adult.~~

~~Section 5 amends § 4138 of the public, health law by adding two new subdivisionssto state that would allow an adult adopteeadopted person~~

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~~eighteen years of age or a birth parent to older may submit to the registrar a notice of change of name and/or address and that such information shall be attached to the original birth certificate of the adopted person. ~~If an adopted person has granted permission, then the registrar shall disclose the current name and address to the birth parent at the birth parent's request.~~~~

Section 6 amends § 4139-d of the public health law and removes the provision that allows an adoption agency to restrict access to non-identifying information that is not in the best interest of the adoptee, the biological sibling or the birth parent(s).

Section 7 amends § 4104 of the public health law to include additional provisions under vital statistics that would be applicable to the city of New York.

Section 8 amends § 114 of the domestic relations law to require certain information be contained in the medical history of the child at the time the child is surrendered by his or her birth parent(s). The law guardian will have the responsibility to ensure the comprehensive completion and filing of the information prior to the acceptance of the termination of parental rights or the entry of a certificate of adoption. The law guardian will provide an affidavit to the court reporting all diligent efforts to obtain the medical history information and a copy of the affidavit will be appended to the original and amended birth certificates.

Section 9 amends § 114 of the domestic relations law to allow an adult adoptee to request and receive a certified copy of his or her original birth certificate and/or a medical history form, if available, upon proper identification and payment of a nominal fee. Section 10 is the effective date.

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~~DIFFERENCE BETWEEN ORIGINAL AND AMENDED VERSION (IF APPLICABLE):~~

~~JUSTIFICATION: The Bill of Adoptee Rights' will provide adult adoptees with access to information that a non-adopted person has a legal right to obtain.~~JUSTIFICATION: In New York, an adoptee cannot access his or her original birth certificate unless the adoptee goes through judicial means, and even then, the outcome does not guarantee that access will be granted. This bill will allow adult adoptees to request and receive a certified copy of an original birth certificate and/or a medical history form if ~~available~~available. Adoptees will be able to gain knowledge of their religious and ethnic heritage and will gain access to medical information that may be necessary for preventive health care and illnesses that are linked to family history and genetics. ~~A birth parent may seek to protect his or her privacy by completing a contact preference form that would be sent to the adult adoptee upon a request for a certified copy of an original birth certificate. The contact preference form provides the birth parent with the option to be contacted by the adoptee, through an intermediary or to not be contacted at all.~~ PRIOR This bill gives an adoptee a clear path to obtain necessary documents and recognizes that the denial of access to accurate and complete medical and self-identifying data of any adopted person is a violation of that person's human rights.

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~~LEGISLATIVE HISTORY: 2017-2018: A.5036 B/S.4845 B vetoed by governor
2015-2016: A.2901 A/S.5964 Passed Assembly 2013-2014: A909/52490
died in codes 2012: A.8910/S.7286 2011: A.2003/S.1438 2009/2010:
A.8410A/S.5269A 2007/2008: A.2277/S.235 2006: A.9823/S.446 2005:
A.928/S.446 2003-2004: A.6238A/S.2631A 2001-2002: A.7943/S.4286 1999-
2000: A.7541A/S.1224A 1997-1998: A.4316/S.3677 1995-1996:
A.2328/S.3709A 1993-1994: A.10403/S.856~~

~~PRIOR LEGISLATIVE HISTORY: New Bill.~~

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS: None.

EFFECTIVE DATE: This act shall take effect on January 15, 2019,
provided, however, that ~~paragraphs (g), effective immediately, the~~
~~commissioner of health is directed to promulgate such rules and (h) of~~
~~subdivisions 5 of the domestic relations law, regulations as created by~~
~~section 2 may be necessary to carry out the provisions of this act,~~
~~shall take effect thirty days after this act shall have become law.~~