

February 14, 2019

The Honorable Velmanette Montgomery
New York State Senate
915 Legislative Office Building
Albany, NY 12248

The Honorable David I. Weprin
New York Assembly
526 Legislative Office Building
Albany, New York 12248

RE: S3419/A5494

Dear Assembly Member Weprin and Senator Montgomery:

Since 1975, the Adoptive and Foster Family Coalition of New York has united the voices of adoptive parents, foster parent, kinship families, concerned agencies and individuals throughout New York State. The Coalition represent the families' viewpoint and works to improve and expand the needed services available to children and families affected by adoption, foster care and kinship placement. For this reason, we are writing to you to support S3491/A5494, which relate to adoptees' access to their original birth certificates.

We strongly support these bills in the New York Assembly and Senate and ask that your colleagues work with you to assure their passage this year.

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. S3419/A5494 will finally restore to adopted people the human right to access their own original birth certificates without restrictions.

I write in my capacity as the director of the Coalition, our state's foster and adoptive family association, and as an adoptive father. I want my son to know and understand his biological family. My husband and I have consistently supported this. The Coalition's constituents, a strong block of adoptive parents themselves, overwhelmingly want the same for their sons and daughters. We appreciate your time and leadership on this matter and welcome any questions you may have surrounding this critical issue. We hope for final enactment of S3419/A5494 this session.

Sincerely,



Richard Heyl de Ortiz
Executive Director