

January 23, 2020

Herkimer County Surrogate's Court
Herkimer County Office and Court Facility Suite 5550
301 N. Washington Street
Herkimer NY 13350

RE: New York's New Adoptee Rights Law

Dear Surrogate Court Administrator:

I am the spokesperson for the New York Adoptee Rights Coalition. In addition, the President of Adoptees United Inc., a national adoptee rights organization with which I am also affiliated, joins me on this letter.

As you may know, New York enacted a new law, effective January 15, 2020, which restores the right of all adult adopted persons born in New York to request and obtain their own original birth certificates. That law is now codified in several places, including New York's public health law and New York's domestic relations law.

In addition to releasing the original pre-adoption birth certificate to those born and adopted in New York, the law also provides a right for persons born *outside of* New York—but adopted within New York through a New York state court—to request and obtain the identifying information that would appear on their original birth record. Specifically, the law provides:

When it shall be impossible for the commissioner or a local registrar to provide a copy of an adult adopted person's original long form birth certificate (as may occur in the case of an adopted person born outside of, but adopted within, the state and such certificate is not part of the records of the commissioner or a local registrar), the true and correct information about the adopted person and the adopted person's birth parents, including their identifying information, that would have appeared on such original birth certificate shall be provided to: (i) the adopted person, if eighteen years of age or more, or (ii) if the adopted person is deceased, the adopted person's direct line descendants . . . by any authorized agency as defined in paragraphs (a) and (b) of subdivision ten of section three hundred seventy-one of the social services law. In such case, the agency shall be held harmless from any liability arising out of the disclosure.

New York Pub. Health Law § 4138-e(2)(b)(2020)(portions omitted for clarity). New York law defines an authorized agency to include the court that handled the adoptee's placement and adoption. See New York Dom. Rel. Law § 371(10)(b).

Accordingly, for those adoptees who were adopted through a New York court but cannot obtain their original birth certificates from the state or city (which do not hold birth records from other states), they will seek that information from the court or from the adoption agency, if one was involved in the adoption.

We are writing to request specific information about how your court will review requests for identifying information pursuant to the new law. Specifically, we ask you to respond to the following questions:

1. What procedures will your court follow to handle requests from adult adoptees who qualify for information under section 4138-e(2)(b)?
2. Will there be a charge for submitting such a request and, if so, what is that charge or fee?
3. Are you developing forms for this process or is a written letter request sufficient from the adoptee or that adoptee's descendant to initiate the process?
4. What further requirements, if any, will the court have for release of information under the new law?

Our organizations are trusted sources of information on the new law and we communicate frequently with thousands of New York adoptees in the state and across the country. Information you provide in response to this letter will be helpful in informing those adoptees of your court's requirements to obtain information the adoptees are now entitled to request. Thank for any information you can provide.

Best regards,

NEW YORK ADOPTEE RIGHTS COALITION

/s/

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ADOPTees UNITED INC.

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