

NYA AFF

New York Attorneys for Adoption & Family Formation

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October 21, 2019

Governor Andrew Cuomo
Governor's Office
State Capitol
Albany, New York 12224

Re: Bill Number S 3419/A 5494

Dear Governor Cuomo:

We, the undersigned, are a group of adoption attorneys and other adoption and child-welfare professionals from across New York State, who work with adoptive families, children, child welfare agencies and the court system to protect and advocate for the rights of adoptive children and their families. We submit this letter in support of Bill Number S3419/A5494, which amends the Public Health Law to allow adult adoptees to access their original birth certificates. It is our understanding that this bill has already passed through both the Senate and Assembly and currently awaits signature by the Governor. For the reasons more fully set forth below, we urge you to sign the bill into law.

Previously, adoptees were not able to obtain copies of their original birth records without a Court Order because adoption records (including original birth certificates) are automatically sealed. This created an issue for many adoptees who wished to obtain information about their birth parents, including medical and health histories. The new amendment creates a procedure for adult adoptees (over the age of 18) to obtain certified copies of their original long-form birth certificates, as well as information regarding the heritage, health, education and medical history of their birth parents. Under this law, an adult adoptee (or their lawful representative) can obtain this

information from the NYS Commissioner of Health by showing proof of identification and paying a nominal fee. If an adoptee is deceased, these records can also be obtained by the adoptee's direct lineal descendants.

In June of 2018, the American Academy of Adoption & Assisted Reproduction Attorneys (AAAA), a national organization of adoption and assisted reproduction attorneys, which all members of NYA AFF belong to, issued a Resolution supporting open access to birth records by all adult adoptees. A copy of that Resolution is enclosed herewith.

We agree with the legislature (and with AAAA) that this amendment will "acknowledge, support and encourage the life-long health and well-being" of New York adoptees, recognizing that "access to accurate and complete medical and self-identifying data" is crucial to protecting the health and human rights of all person adopted in this State.

We respectfully urge you to sign this bill into law.



New York Attorneys for Adoption & Family Formation

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<https://adoptionart.org/about-aaaa/publications/resolutions/#>

Resolution Regarding Adopted Persons' Access To Adoption Records Collapse
(January 13, 2018)

The Academy of Adoption and Assisted Reproduction Attorneys is a national organization dedicated to the competent and ethical practice of adoption and assisted reproduction law, and advocates for the improvement of adoption laws and practices; and

The Academy of Adoption and Assisted Reproduction Attorneys plays a leading role in the development of laws, policies, and practices designed to benefit the lives of all members of the adoption triad and in the advancement of a better understanding of the meaning and importance of adoption for society in general; and

The Academy supports an individual's right to know and access their full personal history, including the identity of their biological parents; and

The benefits of openness in adoption for all members of the adoption triad are recognized by adoption professionals and the adoption community; and

The societal norms which previously supported closed record laws have evolved and are no longer consistent with prioritizing the confidentiality of adoption records over the expressed need or desire of adopted persons to access their adoption records.

THEREFORE IT IS RESOLVED, that the Academy of Adoption and Assisted Reproduction Attorneys supports the inherent rights of adult adopted persons to their personal biological family information and to have access to their:

1. original birth certificates;
2. agency records which relate to them and their biological family; and
3. court records of their adoption.

IT IS FURTHER RESOLVED, that the Academy of Adoption and Assisted Reproduction Attorneys supports the inherent right of adult adopted persons to access and obtain these records regardless of when their adoption occurred.

IT IS FURTHER RESOLVED, that the Academy of Adoption and Assisted Reproduction Attorneys will take action, consistent with its By-laws, to promote the revision of laws and policies governing the right of adopted persons to all information regarding their personal history as expressed above, both within the United States and throughout the world.