



Legislation Text

File #: Res 0855-2011, **Version:** *

Res. No. 855

Resolution calling upon the New York State Legislature to pass and the Governor to sign A.2003 and S.1438, legislation which would allow an adopted person who is at least eighteen years of age to request a noncertified copy of his or her original birth certificate and a medical history form, if available, from the Department of Health.

By Council Members Ferreras, Cabrera, Comrie, James, Recchia, Rose, Van Bramer, Williams and Dromm

Whereas, Adoption is a mechanism by which adults legalize their parental relationship to non-biological children as well as a means to bring children into families; and

Whereas, In 2000, of the 65.6 million children in the United States under the age of 18, approximately 1.6 million were adopted; and

Whereas, The total number of adoptions in the United States in fiscal year 2009 was 57,000; and

Whereas, When an individual is adopted, a new birth certificate is issued to include the adoptive parents and the original birth certificate is sealed; and

Whereas, In New York State a non-adopted person has a legal right to obtain access to his or her original birth certificate; and

Whereas, In contrast, an adoptee cannot access his or her original birth certificate, unless the adoptee resorts to going through the judicial process, and this does not necessarily guarantee that the adoptee will be granted access to these important records; and

Whereas, This inequity represents a denial of an adopted persons' right to access information regarding their origins and heritage; and

Whereas, The information contained in these records is vital to an individual's well-being and will enable adoptees to gain knowledge about their family history, religious background and medical history; and

Whereas, Alabama, Alaska, Delaware, Kansas, Maine, New Hampshire, Oregon and Tennessee all allow adopted individuals open access to their original birth certificates; and

Whereas, Assembly Member David Weprin and Senator Velmannette Montgomery introduced A.2003 and S.1438, legislation which would amend the public health law and the domestic relations law, in relation to enacting the “Bill of Adoptee Rights;” and

Whereas, The “Bill of Adoptee Rights” would provide adopted individuals with open access to their birth certificates by allowing adopted persons who are at least eighteen years of age to request from the Department of Health a noncertified copy of their original birth certificates and/or medical histories if available, upon proper identification and payment of a nominal fee; and

Whereas, Opponents of open access to original birth certificates may argue that this policy does not protect the birth parent, who may have chosen adoption based on keeping their contact information confidential, however, the legislation provides for a contact preference form for the birth parent to fill out indicating whether they would like their biological child to make contact with them; and

Whereas, According to the American Adoption Congress, since 2000, in five states with open adoption policies, an average of only one out of 2,000 birth parents requested that their biological child not make contact with them; and

Whereas, Considering that adopted persons have historically been denied the inherent right to information about their origins and heritage without court approval, this legislation strives to achieve equality for the members of all families, regardless of how they are formed; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A.2003 and S.1438, legislation which would allow an adopted person who is at least eighteen years of age to request a noncertified copy of his or her original birth certificate and a medical history form, if available, from the Department of Health.

JM/IR
6/1/11