

Due to a law passed in 1935, thousands of people who were born and adopted in New York State are denied access to their legal documentation including their original birth certificates (OBC).

Beginning in the late 1970's, many different legislative remedies have been introduced and failed. Since 2010, Assembly Member David Weprin has been spearheading as the bill's prime sponsor. While a bill did pass the Assembly and Senate in 2017, OBC access was still restricted through a cumbersome court process based off of the permissions and approvals of both birth and adoptive parents. **Thankfully, ALL advocates were able to come together and successfully called on Governor Cuomo to veto the bill.**

In his veto memo, the Governor called on all the advocacy groups to work with Assemblymember Weprin to agree on legislation to introduce and pass so he can sign it into law. During the 2017-2018 legislative session, advocates worked directly with legislative sponsors to perfect the language. **The results of these efforts are the Weprin/Montgomery Bill A5494/S3419.**

**Following the Governor's directive, all but one of the adoptee rights advocates have agreed to band together in support to pass the Weprin/Montgomery Bill A5494/S3419 this session.** New York Adoption Equality stands alone and has, instead, introduced a new, untested version of legislation. While both bills, as written, will allow an adult adoptee (or, direct descendants or a lawful representative) to request their original birth certificate just like any other non-adopted person, there are important differences.

### **FAVORED**

#### **A5494/S3419**

##### *Weprin/Montgomery Bill*

- Modeled on successfully passed and enacted legislation in other states.
- Includes provision for the State and for New York City, which handles birth certificates separately.
- Gives control to the adopted person and respects their agency.
- Only the adoptee has access to their original birth certificate, unless they are deceased, in which case their direct descendants or legal representatives do.
- Provides a certified copy of the original long form vault copy birth certificate.
- JUST. LIKE. EVERYONE. ELSE!

### **NOT LIKELY TO MOVE**

#### **A2691/S2492**

##### *Benedetto/Biaggi Bill*

- Untried and untested legislative solution.
- Does not include language that incorporates New York City, which manages birth certificates independent of the state.
- Opens up access beyond the scope of true "adoptee" rights legislation.
- Allows for direct descendants and parents of minor children to access OBC, but does not state that the adoptee must be deceased (as with favored bill).
- Provides for an altered version of an OBC without full description of what this will be.
- CREATED. JUST. FOR. ADOPTEES.

The foundation of adoptee rights legislation is equal treatment. Being adopted should not require "special" treatment under the law. Some have said that the untested Benedetto/Biaggi bill gives adoptive parents the right to obtain altered birth information. This, as it pertains to minor children, is a red herring, as the overwhelming majority of adoptive parents today know much of their children's birth information.

**For all of these reasons, the Adoptive and Foster Family Coalition supports the vetted, tested bill sponsored by Assemblyman David Weprin and Senator Velmanette Montgomery and more than 80 of their fellow legislators.**