

WSJ 7/2/19 online only

# Bill Would Grant New York Adoptees Access to Birth Certificates for First Time in Decades

Gov. Cuomo to review legislation after vetoing previous version in 2017



Joyce Bahr holds a photo of her biological son, Ed, when he was 13 years old. She gave Ed up for adoption when she was a teenager. PHOTO:MARK KAUZLARICH FOR THE WALL STREET JOURNAL

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July 2, 2019 8:00 am ET

Jaclyn Falotico was adopted as an infant and lived more than 30 years not knowing her biological parents or where she came from.

Like all New York adoptees, she couldn't access her birth certificate to answer these questions. It was "like an unresolved wound for everyone," she says.

Last year, after having a son of her own, the 33-year-old Schenectady, N.Y., resident decided to seek out her birthparents through DNA testing. The test led her to a cousin, who then helped her reach her birth mother.

Now, Ms. Falotico is one of scores of adopted adult New Yorkers who may soon be able to obtain their original birth certificates. A bill, which passed the New York state legislature with bipartisan support in June and is heading to Gov. Andrew Cuomo, would give adoptees unrestricted access to their birth certificates when they turn 18.

"Had the bill already been in place, I would have had the opportunity to have that one-on-one contact with her and not involved anyone else," Ms. Falotico said, referring to her birth mother.

Gov. Cuomo's top counsel, Alphonso David, said the governor's office will review the bill to ensure it addresses some concerns voiced by advocates that led the governor to veto a similar bill that passed the legislature in 2017. At the time, he said the process the bill created for adoptees to access their birth certificates was too cumbersome.

A 1938 New York law sealed birth certificates from adoptees—both in open and closed adoptions—denying them access unless the courts deemed it necessary, usually in the event of a medical emergency.



Joyce Bahr, a birth mother who gave up a child, became president of the Unsealed Initiative, an organization that lobbied for the bill for rights of adopted adults in New York. PHOTO: MARK KAUZLARICH FOR THE WALL STREET JOURNAL

Adoptees in New York have been fighting for nearly half a century for this right, said Assemblyman David Weprin, a Democrat who sponsored the bill. Nine other states have unrestricted access, according to the American Adoption Congress, a group that advocates for adoption reform.

“We believe it is a basic human right to know where you come from, and so it is a basic civil right to have access to the documents,” said Tim Monti-Wohlpart, an adoptee and the national legislative chair for the American Adoption Congress. He said some adoptees won’t necessarily want to contact their birthparents.

Opponents of the bill are concerned birthparents will no longer have their privacy protected as they may have expected when putting their child up for adoption.

“I think it could have the potential to discourage future adoptions,” said Sen. Robert Antonacci, a Republican and one of the six senators who voted against the bill.



Joyce Bahr, right, with her biological son, Ed, and Ed's daughter, Allison in 2005. PHOTO:UNCREDITED

Joyce Bahr, 70, is president of the Unsealed Initiative, an advocacy group for legislation to unseal birth certificates. As a teenager, Ms. Bahr gave up her child for adoption, which, she said, made her realize that while confidentiality has often been promised in the past, it was never really guaranteed. The social worker handling her case told Ms. Bahr's mother that there wasn't a 100% guarantee that the child would never find her.

The bill puts adoption law more in line with current practice, said Brian Esser, an adoption lawyer in Brooklyn. While previous generations of women made adoption plans based on confidentiality, he said none of his clients currently have completely closed adoptions.

“I think the adoption world is moving toward openness and open records,” Mr. Esser said.

Some supporters of the bill said adoptees have a right to know what their health predispositions are and obtain information about their personal histories. “It is a right we owe to the children much more than the right to secrecy that we owe to the parents,” said Jason Advocate, an adoption lawyer in Manhattan.

Susan Moyer, 65, said it took her a lonely 30 years to piece together her identity. She started at St. Catherine’s Center for Children in Albany, spent years going through hundreds of documents, took a DNA test and traveled internationally to find her family. She said she found her nine siblings and has built a family with them. Her book, “The Lonely Child,” was intended to inspire others to continue their search.

While DNA testing works for some adoptees, it doesn’t always lead to biological parents, and it can be an arduous journey.

“The original birth certificate will be the restoration of equality,” Mr. Monti-Wohlpert said. “Ancestry and 23 and Me will never give that.”

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