



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

VETO # 252

December 29, 2017

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 5036-B, entitled:

“AN ACT to amend the domestic relations law and the public health law, in relation to adoptee rights”

NOT APPROVED

This bill would create a new process by which adoptees could access birth information from the State’s Adoption Information Registry. Under current law, the Registry is considered a database of mutual consent. Adoptees over the age of 18 can register along with birth parents and siblings. If everyone consents, adoptees and their birth parents, or adoptees and their biological siblings, can share their current names and addresses with each other. However, adoptees and birth parents cannot access birth certificates or adoption records.

Under this bill, adoptees would be able to petition a court for access to their birth certificates. If granted, the State Department of Health would have 120 days to contact the adoptee’s birth parents and seek their consent to release the information. If the birth parents agree or they cannot be located, the court may order the release of the birth certificate in its unredacted form. If the birth parents object, the court can order the release of the birth certificate with the parents’ names redacted.

Current law recognizes that birth parents may wish to preserve their anonymity when placing a child for adoption. Yet I know that for many adoptees, this lack of information can be agonizing, as an individual’s origin, heritage, and medical history play a central role in multiple facets of life. I would support legislative proposals that allow adoptees greater access to birth records. Having to navigate the cumbersome process set forth in this bill may only add to an adoptee’s hardship, including delays resulting from the lack of any identified funding source necessary for the Department to search for and identify birth parents.

Rather than implement a bill that lacks consensus on such a difficult issue affecting so many people, I am directing the Department of Health to establish a workgroup of diverse stakeholders, including the bill sponsors, to study this issue and offer recommendations. The workgroup should issue its findings by April 30, 2018 to inform the Legislature and the Executive about the best path forward.

This bill is disapproved.