



February 9, 2022

The Honorable Maxine Grad
Chair, House Judiciary Committee
Vermont State House
115 State Street
Montpelier, VT 05633-5301

RE: H.629

Dear Chair Grad and Members of the Committee:

I am following up on my last letter after watching the February 9 discussion of H.629, the bill that modifies current Vermont law related to the release of certain “identifying information.” My prior letter was predominantly an historical overview of the myths that have led to extreme secrecy over an adopted person’s own vital record and how those myths have been improperly embedded into adoption itself, to the detriment of everyone involved.

Several committee members at yesterday’s hearing asked what other states are doing on this issue, particularly the states surrounding Vermont. For illustrative purposes, I’ve created a graphic that shows how New England and New York handle this issue today. Currently, Massachusetts and Vermont are outliers in restricting an adopted person’s own birth record, though Massachusetts is close to removing that restriction entirely. All other states in this region provide an adult adoptee, who is at least 18 years of age, a copy of the adoptee’s own pre-adoption birth record, without restriction (and without incident). I’ve attached the graphic to help you and committee members understand how Vermont sits next to its neighbors and how much of an outlier it will be if it continues its current approach.

I ask the committee to consider two important things:

- Consider the testimony of Vermont constituents who are adopted. I know at least two adult adoptees and Vermont constituents who wish to testify on H.629, and they have specifically requested to testify: Rebecca Dragon and Ellie Lane. Their



Adoptee Rights Law Center

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Attorney at Law

voices are critical and necessary, not only to understand this issue but to govern responsibly on it.

- Separate the state adoption registry---which is predominantly about search and reunion between biological relatives---from the vital record that is at the heart of this issue. This issue is not about searching for relatives or even contacting them. It is about the inherent dignity of adults ***to possess their own vital records***. What they do with those records is up to them. But it is their record and their truth of that birth, and the state at its core must trust its own residents with those truths, as New York, Maine, New Hampshire, Connecticut, and Rhode Island already does.

Please table H.629 and work with adult adopted people in Vermont to consider a better bill. We ask that you work with us to make this issue right. It's certainly past time to do so.

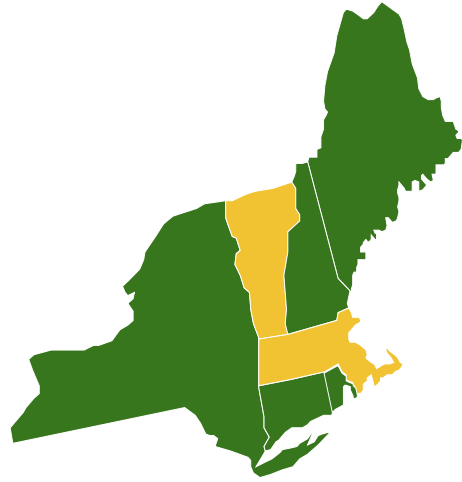
Best regards,

ADOPTEE RIGHTS LAW CENTER PLLC



Gregory D. Luce
Attorney/Founder

cc: Rep. Kathryn Webb



Vermont H.629 • Written Testimony

THIS ISSUE IN THE REGION

WHAT'S DONE IN STATES AROUND VERMONT

Massachusetts and Vermont are outliers in this region on the issue of releasing an adopted person's own birth record at age 18. Massachusetts, however, is close to repealing its current restriction. Vermont is also unique in relying on an adoption registry to control release of "identifying information" rather than managing the discreet release of a vital record held by the state Department of Health.



New York

Unrestricted Right

Adult adoptees at age 18, as well as their descendants, may request and obtain a certified copy of the long form original birth record upon request. More than 20,000 requests have been made since enactment of a new law in January 2020. No issues have been reported.



New York also provides identifying information for adopted people who were born outside of New York but adopted within the state. This includes Vermont-born adoptees.

Maine

Unrestricted Right

All adult adoptees at age 18, as well as their descendants, may obtain a copy of their original birth records upon request. Birthparents may file a contact preference form to indicate any preference for contact.*

Pending Bill

Connecticut

Unrestricted Right

All adult adoptees at age 18, as well as their children and grandchildren, may obtain a copy of their original birth records upon request. The state recently eliminated a date-based restriction to make the right applicable to all adoptees.

Massachusetts

Compromised Right

Adopted people born before June 17, 1974, and after December 31, 2007, have an unrestricted right to obtain their own original birth records at age 18. Adult adoptees do not have this right if they were born between 1974 and 2008. A pending bill would eliminate that restriction.

Pending Bill

Rhode Island

Unrestricted Right

All adult adoptees at age 18 may obtain a copy of their own original birth records upon request. A pending bill expands this to the descendants of adopted people.

Pending Bill

New Hampshire

Unrestricted Right

All adult adoptees at age 18, as well as their descendants, may obtain a copy of their original birth record upon request. Birthparents may file a contact preference form to indicate any preference for contact.*

Pending Bill

Vermont

Compromised Right

Adult adopted people have no right to request and obtain their own original birth records except through the use of a consent-based adoption registry, and only if a birthparent does not also veto release of "identifying information."

*A NOTE ABOUT CONTACT PREFERENCE FORMS



In Maine and New Hampshire, birthparents may file a contact preference form that is attached to the original birth record and indicates if the birthparent prefers contact or does not prefer contact. A filed contact preference form has no bearing on the release of the original birth record.