



Vermont State House
115 State Street
Montpelier, VT 05633-5301

Good morning,

Thank you so much for invited me here today to speak about one of my favorite subjects: original birth certificates!.

I have to begin by sincerely apologizing for my own ignorance in the assumption that Vermont held legislative hearings like so many other states and had rushed to send my own angry email last week. I am so thrilled to have been completely wrong and have most joyfully watched most of the recorded testimony and discussion. Now, I sincerely wish all legislative bodies could be cloned from your molds. However, I was harsh. I was wrong. I am sorry for that.

My name is Claudia Corrigan D'Arcy and you have asked me here in my capacity as a birth mother and through my involvement in the recent New York OBC legislation, particularly the "workgroup".

While it did take over 40 years to get this legislation passed in New York, I have personally been involved since 2006. I do believe I am, however, the only one to testify who actually was physically at the table for the NYS Adoptee Working Group meeting. At that time, I was the Director of Outreach and Advocacy at the Adoptive and Foster Family Coalition of New York (AFFCNY) and in support of our efforts to restore adoptee equality in our state, the organization was part of the larger New York Adoptee Rights Coalition (NYARC). It is oddly ironic, but I had the honor of being a birth mother representing adoptive parents during conversations about adoptee rights legislation.

I'll give you a bit of background now so you can further understand how I ended up sitting at that table and why I am speaking you today.

I am not from Vermont, though I have always love visiting the state and have a slight obsession with the Family Von Trapp since childhood. I grew up in blue-color, middle class, Long Island suburbia in a perfectly dysfunctional nuclear family which is partly how I found myself at tragically poor, punk rock and eighteen in New York City trying to support myself though art

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school. In that attempt, I was the part-time, brightly haired, receptionist at a mid-town law firm with an attorney who would not have survived the #Metoo movement. While he was unmarried, he was also 45 and his name was on the door. Our son was conceived about six weeks after the first lunch 'date'.

The following portion of my story is rather typical for a late 80's domestic newborn adoption. I plucked the idea of adoption out of the air for all the expected reasons and made a few phone calls. I was enveloped in the care arms of a "nice" adoption agency in Massachusetts who sent airline tickets, flew me away, told me what I wanted to hear and treated me like a queen. I believed I was strong and selfless and was prepared to sacrifice for the good of my child to have a "better life" as promised. I gave birth to my son, said my good byes, and went back to New York where I continued to live my life for the next decade or so; moved, got married, had a second son, divorced, bought a house, remarried, two more children - a girl and a boy.

Then came Google.

The first thing I googled was adoption. That was in 2001 and I have been here, in the online AdoptionLand community, ever since. Whether it be in private Facebook groups, blogs, podcasts, old school forums, articles, interviews, conferences, I have spoken to, met, or heard from literally thousands of other birth mothers, adult adoptees, adoptive parents and professionals in the past 20 plus years. I have served with a good portion of the national organizations including AU, AAC, CUB, SOS, NAAP, OriginsUSA. I have had the honor of representing birth mothers at the White House and the State Department.

Specific to adoptee rights legislation, I have lobbied for OBC access on a national level and helped organize the Adoptee Rights Protest at the National State Legislative Summit for multiple years. I supported legislative efforts in many other states with many other local advocacy groups and along with New York, I am personally involved in Massachusetts legislation as that is the state where my own son's OBC is currently held hostage.

Speaking of my own son who had been adopted at birth in a traditional closed adoption, I had searched and found him in 2004 and contacted him directly in 2005 on MySpace just seven months short of his 18th birthday. I would not say we had an "adoption reunion." We have currently what is considered to be a complete reconnection of the mother /child bond and, to my delight, all four of my children are now exceedingly close. We have healed.

I think it's really important for all to understand that my experience as a birth mother is incredibly typical, yet also almost a gold standard of how the fairy tale story is supposed to play out. When I relinquished my newborn son to adoption in 1987, I never expected that someday I would stand next to him at the State House and beg for his civil rights be restored based on a decision I made. I never would have even thought to imagine being invited here to speak to you today about New York's legislation as a birth mother. Yet, here we are.

I did review most of the recorded testimony and I hope to be able to address some of your specific questions regarding the New York "Adoptee Workgroup" as then Governor Cuomo

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order for in his veto memo. To be clear, the actual workgroup met once in person for a couple of hours in the winter of 2018. The meeting was actually cut short due to a blizzard, but as all the main stakeholders were at the table, we were able to agree on a path forward.

- The final New York bill that came out of the 2018 workgroups was considered “clean” which is understood as ALL adoptees over 18 can receive their original birth certificates with no restrictions nor limitations nor special permissions.
- It also provided provisions for the legal representatives or descendants of the adoptee to receive the documentation.
- New York provides a certificated copy of the OBC which, as previous discussed, is helpful when one must provide proof in a document chain.
- Along with the OBC, New York has also sent along the actual adoption decrees which has also been helpful to tie the documents and identities together. Many adoptees never had this document before.
- We also had very specific language for the city as opposed the rest of the state, however that provision is state specific and wouldn’t be needed here. I will gladly defer to Greg Luce and his sample legislation made specific for Vermont particulars.
- Previous NY legislation had contained “contact preference” provisions during some earlier year’s incarnations, but at the close of the 2018 workgroup it was decided to keep the concept of a contact preference in our back pockets in case it was later needed as an acceptable compromise. It was not needed, but like others here, I do not object to them. If anything, they provide a kindness to the adoptee who might want to search after receiving their OBC. Giving the adoptee some notice about the level of welcome they might receive from their birth family can eliminate some natural, normal fear. From a legislative standpoint, I would avoid including them in any initial language as they can be effective concession that does not corrupt the legislative integrity nor criminalize the adopted person.

The workgroup met in the winter of 2018 and legislation carried forward for the 2019 session. In June of that year it went through the Senate and passed, followed by a very long night at the Capitol on the 19th and 20th where the bill completed a nerve racking circuit of the various committees and then the final Assembly floor vote. Then Governor Cuomo signed S3419/A5494 into law on November 14, 2019. Since that is also my own adopted son’s birthday, I took that as a sign. The law went into effect on January 15, 2020 and even with COVID really slowing things down, approximately twenty thousand adopted citizens have received their original birth certificates to date.

I’m extremely secure in saying that I expect, like all other states that “opened”, there have not been, nor there will not be, any reported harassments or an increases in known adoptee stalking behaviors. I know it’s been said before and I am sure that you already have the actual numbers by now, but the numbers and facts support that when adult adoptees can access their OBC’s, nothing terrible happens. They receive a piece of paper.

I know there was a question of opposition in New York and I must report that it was

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traditionally the attorneys, Bar associations and judges that opposed OBC efforts. It seems that each state often gets their own thorns in the side. In New Jersey, it was the Catholic Church. In Ohio, it was Right to Life. Some states, such as Texas currently, have certain legislators that decide to dig in their heels for their own personal reasons. I won't name names. In our single day of a public hearing back in 2014, it was attorneys in opposition and when the bill passed years later, it was the New York State Women's Bar Association.

I'm happy to answer any more questions about the history, progress and details of the final New York bill, but I can tell you that so far, these hearings have already surpassed the amount of time spent at that table. I also feel more thoughtful care and consideration, as well as understanding, has already been demonstrated here, by this committee, in Vermont.

Before I jump into a more birth mother driven perspective, I just want to quickly circle back to the foundation of this legislation. No matter how far we can go in all our thoughtful considerations, we always must center it back to equality and ending adoptee discrimination. Restricting a class of people from accessing their legal identity documents based on choices and decisions others made, of which they had no control over, is unfair and unjust. It is legal discrimination. As clearly defined in Article 8 of the UN's Convention on the Rights of the Child, this is a violation of human rights.

Who has rights and whose rights supersedes whose is not anything new, but we have to again bring it back to basics: a birth mother (and sometimes father if he is allowed to be involved) legally has no rights. That is the pure legal foundation of adoption; the transfer of parental rights from one party to another. It is the very act of relinquishment consent, that a mother signs whether by force or by choice, that eliminates both parental rights and responsibilities to said child and makes them into legal strangers. There is no alteration or redaction made to the OBC upon relinquishment and until the actual sealing of the OBC, birth parents can obtain the OBC in many states. In Vermont, you always allow original parents to access the document post finalization and sealing from the adoptee.

As previously explained, a relinquishing parent has no control over the sealing of the original birth certificate as they are separate from the actual legal adoption finalization proceeding. Finalization generally occurs at least six months after the child is placed in the adoptive home. Birth parents are usually not even a party to their own child's adoption proceedings as they are now legal strangers though the act of relinquishment. If the child is not adopted for whatever reason, the original birth certificate will remain intact and is use in that child's life. Since the law in Vermont states that the adopting parents have a *choice to not seal* the OBC and have the amended birth certificate even issued, I certainly do not see any legal basis for concern at all. Even if it wasn't a horrible mistruth, how could any lifelong anonymity be promised or even inferred if the OBC could always be in play?

In addition, I have always held the stance that almost every state has a portion of their adoption law where it is always stated that the courts MAY open up records "for good cause" or under other defined circumstances. Again, the existence of that language alone clearly negates any legal concept of responsibility towards lifelong anonymity.

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Speaking of privacy, confidentiality and concepts of life long anonymity, there is a huge difference between them all. An adoption agency or attorney telling a client that proceedings are confidential means that if they run into your grandmother in church, they can't tell her of your situation. They aren't going to take out a bill board with your face on it to advertise their services. However, it is still common legal practice to post a legal notice naming a mother as given birth to a child in order to terminate a birth father's rights.

If it hasn't yet been spoken of enough, I strongly recommend anyone really concerned about the legality of surrender documents and any implied "promises" to read Dr. Elizabeth J. Samuels ["Surrender and Subordination: Birth Mothers and Adoption Law Reform"](#) For this study, 75 adoption surrender documents were collected and the examination of the documents clearly state that "the impetus historically for closing records was to protect adoptive families from public scrutiny and from interference by birth parents, rather than to protect birth mothers from being identified in the future by their children; that birth mothers did not choose and were not legally guaranteed lifelong anonymity; that courts have found neither statutory guarantees of, nor constitutional rights to, anonymity for birth mothers, and that the documents birth mothers signed surrendering parental rights did not promise anonymity."

The collection of surrender documents shows the true purpose of sealed records was to protect the "adoptee and adoptive families from public scrutiny, was to protect adoptive families from interference by birth parents. For example, the 1940 New Jersey bill to close adoption court records stated that it would assure adopting parents that "a parent or parents of the child adopted would not turn up at some future date to embarrass both them and the child and possibly even do harm." A full 40% of "surrender documents commonly contained a promise by the birth mother that she would not seek out her child."

I personally have not gone through the tedious research process for several years, but back in 2010, I took all the available stats from the US States that have restored adult adoptee OBC access and crunched the numbers of applied for OBCs by adoptees to the numbers of relinquishing mothers who opted for "no contact" in some restrictive form. The final 2010 USA average percentage of birthmothers wishing no contact form their adopted children was 0.993471%. I am completely confident that that <1% is still accurate.

While of course it's risky to speak for the "all" of any population, human behavior does tend to follow some basic models and if you talk to enough people and read enough research, the bell curves of normality become clear. Birth parents are not much different. Again, in all my time in meeting with thousands of other relinquishing parents, I have only personally come across two who said to me that they "didn't want to be found". In both case, the mothers adjusted to the idea and went on to forge a relationship with their adult child.

Most birth parents long to know their children. Often, as we see in the surrender documents, birth parents are informed that they have no right to ever know their children again and they believe it. Many believe it's illegal to search. Others are told over and over to wait for their adopted child to find them. Many believed that their child would have the right to have their

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identifying information upon adulthood. I know I signed the waiver allowing the release of my name so my son could find me before I even gave birth.

This fact is supported by the changes in modern adoption practices. Adoption rates peaked in the early 1970's and then decreased sharply as commonly attributed to changes in social norms surround abortion, birth control, divorce, single parenting, etc. Research was conducted to find out what would make relinquishment more appealing to women facing a crisis pregnancy in part because adoption agencies were running out of babies and were going to go out of business. All studies clearly showed that the biggest barrier to a mother considering adoption was the thought of never knowing again about her child ever again. In response to this, we began to see the rise of "open" adoption. Currently more than 95% of all adoptions today have some form of openness. Any concern that a pregnant woman's reproductive and parenting options are limited due to "lack of confidentiality" are negated by relinquishment, adoption and abortion stats.

Aside from the fact that no other adult has a right to alter any other person's legal documentation for any reason, except the witness protection program, and it's odd to think that having a baby might create some special classification; something that I think gets really lost in these conversations about "protecting" birth mothers from our own children; **it is just so insulting!**

How incredulous is it to think that birth mothers can't "handle" it emotionally and that we will be destroyed by the reemerging of our own children even at "the front door". I mean think about it for a second; we trust this very same woman to make the most difficult decisions she can at a point at her life where clearly, things are not working out as she would like them to. I can promise you that a mother does not consider adoption unless she is desperate. While it can be a choice she makes, it is not a choice she *wants* to make. Yet, we not only honor her choice, we tell her she is a good mother for putting her child's needs first and make such a personal sacrifice during the most difficult time in her life. We trust her them to do what is needed. Yet, 20, 30, 40 years later, we doubt the very same woman and don't believe she is capable of again making any difficult choices? Suddenly she needs to be "protected"?

We've heard from the adoptees about how infantilizing it is to be perpetually treated like a child by law. It is equally frustrating it is to be trapped in the past as a person we no longer are based on a decision made at our lowest moments.

I was immature, uneducated, unexperienced and unworldly. I was scared, lost, and alone. I was vulnerable, under pressure, doubtful of my own abilities and completely trusting of the professionals around me. How is it that I could be trusted when I was nineteen years old to make the "best" decision for myself and my child's whole life then? I'm not sure there are many other choices and decisions that one can make that never have the opportunity to be undone unless it's involving death, prison or loss of limbs. We don't hold every 18-year-old to working in the field they choose as a college freshman. Think about how ridiculous that concept would be. People change. Their feelings change. What they want can change.

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Granted there is a ton of inherit shame in the act of relinquishment, but that can alter greatly over time. For example, I was mortified that people would judge me for the age of my child's father. I kept who he was a secret from my family and everyone I knew. I was sure it was a terrible scandal. Within a year, I realized that even if it had been a scandal, everyone would have lost interest in a very short time. Thirty years later, I see him as a bit of a predator and I know better than to blame myself at all.

We don't forget that we had a baby who was adopted even if we don't tell everyone we know. It's pretty impossible to be unaware that searches and reunions exist. Even if a birth parent isn't actively wanting to find their child, they understand that it happens, that it can happen. I won't pretend that there aren't mothers who reject their adopted adult children. It sadly happens, and often devastates the adoptee searching, yet we don't have conversations about laws to protect them from that rejection. Just as we don't have laws that prevent married people from having affairs even though that can cause emotional distress as well. Instead, we expect that grown adults can respect another person's boundaries and leave if not wanted.

I'll state it again; most mothers want to know their child. Most are open to contact. A good majority of mothers are impatiently waiting for their child to find them and are willing to do whatever their child would like because most mothers want what is best for our children. We relinquished because we thought it best for them and we welcome them home for the same reasons. Birth mothers want what is best for our children and it's best if our children are treated equally under the law. Grant us the respect we deserve and give us agency to make choices now based on who we are currently. We can open the door all on our own.

Please do feel free to ask any questions, even if seemly too personal. I have a very thick skin.

Thank you.

Submitted February 22, 2022

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