

TESTIMONY OF KATHLEEN FLAHERTY, ESQ.
PLANNING & DEVELOPMENT PUBLIC HEARING
MARCH 15, 2019

In support of SB 972, AN ACT CONCERNING ACCESS TO ORIGINAL BIRTH RECORDS BY ADULT ADOPTED PERSONS.

Senator Cassano, Representative McCarthy Vahey, and distinguished members of the Planning & Development Committee:

My name is Kathleen Flaherty. I'm a registered voter in Newington, and I am an adult adoptee. I ask this committee to **support SB 972, AN ACT CONCERNING ACCESS TO ORIGINAL BIRTH RECORDS BY ADULT ADOPTED PERSONS**, which would allow adult adoptees like me (born and adopted in Connecticut prior to October 1, 1983) to obtain our original birth certificates. My testimony today is essentially the same testimony I have submitted in past years when access issues have come before the legislature.

I was born in Hartford and adopted through Catholic Charities. I have lived in Newington my entire life, except for college and graduate school. My late brother and I always knew we were adopted - our parents told us. They didn't make a big deal of it - it was simply a fact. My brother died on March 31, 2003, at the age of 33, from a heart attack. The medical examiner determined that it was due to a congenital heart defect - something our family never knew was in his history.

As many of you undoubtedly already know, I live with a diagnosis of bipolar disorder. After my first hospitalization in 1990, I requested non-identifying information from Catholic Charities. That's when I learned (among other things) that I have a family history of mental illness and addiction - my birth mother's mother was permanently institutionalized for an "unknown" mental illness and her father had died of cirrhosis (presumably a result of alcohol abuse.) This information was not shared with my parents when I was adopted.

Before my dad died in 2007, he told me that in his papers I would find my brother's original birth certificate, because Catholic Charities had given it to them, but that I wouldn't find my own. My brother was never interested in finding out about his past, but I have always thought about contacting Catholic Charities to put a note in his file to let his birth parents know - if they ever looked for information - that he had a good life, just one that ended far too soon. It wasn't perfect, and there were struggles, but it was good.

I have had my own torturous journey with Catholic Charities, which has contributed to my reluctance to put anything in his file. A few years ago, I contacted them to do an actual search for my birth parents. They found my birth mother, but she didn't want contact with me - which they informed me of in a letter that is literally dated ON MY BIRTHDAY. They could have waited a week, or even a day - but no, they sent me a letter dated ON MY BIRTHDAY to tell me that my birth mother didn't want to be contacted.

Through my involvement in Access Connecticut, a coalition with the goal of restoring the rights of adult adoptees to have access to their original birth certificates, I learned that there was a probate court procedure to seek access to one's original birth certificate. I figured, I'm a lawyer, how hard could it possibly be to file this case? Especially since probate court is set up to handle pro se litigants. That was another futile exercise.

I do not think the probate courts ever saw many of these filings, because none of the staff seemed to know quite how to handle my petition. It ultimately ended up in the children's division of probate court - I guess since I was a child when I was adopted (I was) - and for reasons I still do not understand, I had a guardian ad litem appointed to represent my interests. He didn't even know why the court did that - we had some very interesting conversations. At the end of the day, the probate court's decision to deny me access to my original birth certificate was based on my birth mother's failure to respond to multiple certified letters for which she signed. Because SHE didn't grant affirmative consent to the release of MY original birth certificate, the court denied my request. At least I didn't get the ruling on my birthday that year.

I have also, like many others, used a commercial service to do a DNA test. They've located some distant cousins. I reached out to one of them, but didn't hear back. From what I can tell from the public parts of his Facebook page, we do not seem to have anything in common, so I'm okay with that. Every once in a while, I receive emails titled "a relative sent you a message on 23andMe" – and I have had some brief initial contacts with people who may be distant cousins – but I am nowhere close to assembling any kind of family tree.

With the advancement of electronic medical records, I finally am no longer asked about family history when I go to the doctor. I do not know my family history (other than the mental health and addiction issues) when it comes to any medical conditions - every box (other than those) on the non-identifying form for both parents was checked "not known." However, any visit to a new medical provider is the opportunity for another painful reminder that I do not know my family health history.

Every time someone says to me "I know someone who looks just like you!" [I don't know if this is happening more often, or I'm just more sensitive to it now] my response is now "well, I'm adopted, so who knows - they could be a relative." It's getting a bit old – just as I am.

Access to original birth certificates is fundamentally an issue of civil rights. I, and others like me, am treated differently from other adult adoptees by virtue of arbitrary dates in the law.

- If I were born prior to January 1, 1944, I could get my original birth certificate.
- If I were born between January 1, 1944 and October 1, 1983 and my birth parents were dead, I could get my original birth certificate. [The illogic in this is rather remarkable: if I don't know who my birth parents are, how could I possibly know if they are dead?]
- If I were born after October 1, 1983, I could get my original birth certificate.

I fall into a band of people born between January 1, 1944 and October 1, 1983, whose birth parents are still alive (at least, as far as I know). **WE are the only group that is unable to access our original birth certificates. This is**

fundamentally unfair, and something that this legislature should act to change.

What people need to understand about this issue is that this group of pre-1983 adult adoptees is being denied a civil right that most other people have, and don't even think about unless and until they need to get their birth certificate. Most folks simply contact city hall and the document they will receive will be a true and accurate reflection of the facts of their birth. Adoptees receive a document, but the document is actually an amended birth certificate which lists our adoptive parents as our birth parents. My amended birth certificate is a government document that is literally fake news – my document says “certificate of birth” but it does not reflect accurately the record of my birth. If you wanted to call this document a “certificate of adoption” that would be accurate. The real news is locked away in a vault.

And this fake news actually has real consequences. Because of the new Real ID laws, in order to replace a lost passport one has to have a certified copy of a birth certificate issued within one year of one's birth. My adoption wasn't finalized until I was 13 months old - so if I am ever unlucky enough to lose my passport, I may not be able to get a new one, because I will not be able to acceptably prove to the US government that I was born here because the document that the state of Connecticut provides about my birth isn't the original one. **I urge this committee to do the right thing and support Senate Bill 972 and allow adult adoptees born and adopted in Connecticut before October 1, 1983 to obtain a copy of their original birth certificate.** Thank you for your consideration.