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Written testimony **in support of Senate Bill 972,**
An Act Concerning Access to Original Birth Records by Adult Adopted Persons

Connecticut General Assembly - Joint Committee on Planning and Development
Date of Hearing: 15 March 2019

Submitted by **Gaye Sherman Tannenbaum**
DNA search angel and New York adoptee

To the Honorable Members of the Joint Committee on Planning and Development:

Thank you for allowing me to submit this testimony in support of **Senate Bill 972**, which will restore the right of **all** adopted persons born in Connecticut, and their descendants, to obtain copies of their original birth certificates by extending that right to Connecticut adoptees adopted before the October 1, 1983 cutoff.

My name is Gaye Sherman Tannenbaum and I am a New York-born adoptee and DNA search angel. A DNA search angel is a volunteer who uses the power of genetic genealogy to assist adoptees in identifying their families of origin.

An enduring misconception is that sealed records prevent all but the most resourceful adoptees from learning the identities of their birth parents. That is no longer true as modern DNA testing has recently unlocked the door to our identities and those of our biological families. These immensely popular DNA “ancestry” tests have been radically transforming how adoption searches are conducted, and have been dramatically reducing the time, effort, and expense of those searches, resulting in a much higher success rate than ever thought possible.

DNA Game Changer

Most people cannot comprehend how easy, and popular, it has become. Over the past year, the same DNA-guided methodology used by adoptees has even been used by law enforcement to solve decades old cold cases, because it works.¹ It’s being promoted as a revolution in law enforcement, just as it’s been a game changer for adoption searches for the past five years.

Starting around July 2016, when Ancestry’s database reached two million, DNA testers, especially adoptees, noticed a significant improvement in the closeness of their new matches. This trend continued over the next few years and is showing no signs of any

¹ Source: <https://www.wsj.com/articles/the-making-of-a-dna-detective-11550272449>

market saturation. Recent estimates have set the number of “ancestry” DNA kits sold worldwide at 26 million.² The vast majority of those kits were sold in the United States, where most of the top DNA companies are headquartered.

I help adoptees analyze their DNA results and triangulate their DNA matches in order to identify their biological parents. As the DNA databases grew exponentially, what used to take months of work can now be done in a matter of days, if not hours. The reason is that people (not just adoptees) are getting more matches, and they are also getting much closer matches. Trying to build a family tree based on only distant matches is now a thing of the past. Some adoptees have been getting matches to half-siblings and even parents.

The spectacular growth of DNA databases has seen 70% of adoptees reporting 2nd cousin matches or closer and 90% of adoptees are getting 3rd cousin matches or closer.³ Second cousin matches are considered to be the “sweet spot” in trying to identify unknown parents as they share a set of great grandparents. Up until 2016, getting a second cousin match was considered “hitting the DNA lottery”. Now most adoptees get **multiple** 2nd cousin matches.

What does this mean for adoptees and their families?

Simply put, sealed records are no longer an insurmountable obstacle to identifying birthparents. DNA testing used to be the last hope after all other avenues had been exhausted. Now it’s the first step, especially in states, like Connecticut, where access to original birth certificates has not yet been fully restored.

The downside of DNA testing is that the adoptee has no control over which family members they will match. It’s going to be whoever has tested, and it is increasingly some very close relatives who may know one of the birthparents personally, but who have no previous knowledge that a child had been placed for adoption.

There is little chance of contacting the birthparent directly without involving other family members. Even if the adoptee can manage to ascertain the identity of a birthparent without contacting close DNA matches, that close relative will still be aware that they have a first cousin or niece or sibling they had not previously known about.

What does this mean for birth records access legislation?

Opposition to restoring access is based on two assumptions: (1) that the adoptee cannot find their biological parents without access to identifying information and (2)

² Source: <https://www.technologyreview.com/s/612880/more-than-26-million-people-have-taken-an-at-home-ancestry-test/>

³ Source: <https://thegeneticgenealogist.com/2017/01/08/adoptee-testing-a-study/>

that some parents may not wish to be contacted and are especially sensitive about their secret being revealed to their families.

The first assumption of state-protected anonymity is no longer valid. The second assumption is still valid but actually becomes more problematic because DNA testing usually identifies the immediate family, not a specific individual. Restoring access to the original birth certificate will allow the adoptee to contact the birthparent directly in a discreet and sensitive manner rather than involving members of the birthparent's extended family. In addition, **SB 972** provides for private communications between a birth parent and an adoptee - via a contact preference form.

State legislators must also be aware that any new promises of confidentiality only offer illusions of anonymity. This would include such "compromises" as disclosure vetoes. It makes no sense to tell someone "we will protect your privacy if you fill out this form" when the state knows that all the identifying information an adoptee needs is contained in his or her own DNA.

If opponents and elected officials in Connecticut are still worried about restoring access for older adoptees, they only have to look to New Jersey⁴ for an example of how the sky doesn't fall when access is restored, even for decades old adoptions. This remarkable quote is from one of the most vocal opponents of restoring access:

The state Catholic bishops' conference was among the opponents of the New Jersey legislation, before it was passed. It argued that the Catholic agencies that had arranged many adoptions would no longer be able to keep their promise of lifelong anonymity for the birth parents.

In the year since the law was implemented, however, "Our office has not had any calls from any birth parents who had a negative experience" said Patrick Brannigan, executive director of the conference. He said he was "very happy it seems to have worked out so well."

Restoring unrestricted access is actually *more* private.

Between DNA testing, social media, and other widely available resources, most adoptees will be able to learn the identities of **both** parents if they so desire. Vast numbers of adoptees **are** identifying their families (as well as the families of their adopted parents and grandparents), no matter what the laws and restrictions in their various states may be.

If the adoptee already **has** identifying information on his or her parents, opponents can't make the usual argument that birth record disclosure may be harmful. Anonymity

⁴ <https://www.northjersey.com/story/news/new-jersey/2018/02/01/nj-adoptees-search-birth-parents-decades-later/1082137001/>

is no longer possible. With genealogical DNA tests, the lack of the original birth certificate is no longer an impediment to identifying parents.

However, like posting a “help me find my family” plea on social media, connecting with close and extended family via DNA matching is not a very private way to contact one’s birthparents. Restoring access to the original birth certificate actually protects the privacy of birthparents better by allowing the adoptee to contact them directly in a discreet and sensitive manner rather than indirectly through extended family who may not know about an adopted-out child in the family. Even for birthparents who welcome contact, having that contact initiated through a cousin deprives them of the ability to manage the revelation at a time and in a manner of their own choosing.

Once you accept the reality that anonymity cannot be guaranteed and access to original birth records protects privacy better than the status quo, the way forward becomes clear: Any new law must put adoptees’ original birth records on equal footing with those of the non-adopted, no matter when the adoption was finalized.

Please support **SB 972** to allow adult adoptees born before October 1, 1983 access to their original birth certificates.

Respectfully submitted,

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New York adoptee and DNA Search Angel

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