

# Court lets birth parents try to access adoption records

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*Associated Press*

ALBANY – Biological parents – and not just the children they have given up for adoption – can seek to have adoption records unsealed in New York for medical purposes, a state court decided Thursday.

The Appellate Division of State Supreme Court ruling overturned a determination by a Family Court judge in Broome County. The judge ruled that the section of a 1994 state law allowing for the unsealing of adoption records in some cases applies only to petitions filed by children seeking to know more about their biological parents.

The five-judge panel in Albany decided unanimously that ruling was in error. Their reading of the 1994 law indicates that while former Gov. Mario M. Cuomo and legislative sponsors obviously believed the law would be used most often by former adopted children seeking information about their birth parents, nothing in the statute precludes birth parents from seeking information about their children.

The decision means a Broome County woman, identified only as “Rosemarie TT” to protect her identity and that of the boy she gave up to adoption in 1978, will most likely be able to contact her son, *either* directly or through an

intermediary.

According to court papers, Rosemarie wants to tell her son about his birth parents’ predisposition to several potentially dangerous health conditions. They include alcoholism, degenerative arthritis, stroke, cancer and heart disease, according to court papers.

The judges noted that if Rosemarie’s child, identified only as “Baby Boy SS,” is informed in time, those conditions can be “treatable and potentially preventable.”

The New York law providing for the unsealing of adoption records is primarily designed to convey family health information to adopted children. Family Courts have wide latitude in determining whether the medical circumstances warrant the unsealing of the records and the manner in which contact is made between a birth parent and adoptive child.

In some cases, an intermediary is used to pass along the health information and, if neither parent nor adoptive child wants to make further contact, their names and other distinguishing facts are kept sealed.

The state also operates a registry to match up birth parents and adoptive children who want to find out more about each other. Medical concerns are not a factor in that voluntary registry.

Rosemarie’s lawyer, Robert Kilmer, said Thursday’s ruling corrects what he thought was an improper ruling at the Family Court level.