



January 18, 2024

The Honorable Kathy Tran
Chair, Subcommittee of Social Services
Committee on Health and Human Services
Virginia House of Delegates
1000 Bank Street
Richmond, VA 23219

RE: FAVORABLE REPORT ON HB550

Dear Chairman Tran and Members of the Social Services Subcommittee:

I am the executive director of Adoptees United Inc., a national nonprofit organization dedicated to equality for all adopted people. I am also an attorney and the founder of Adoptee Rights Law Center, a law firm where I represent adult adopted people. I am considered a national expert on issues related to adult adopted people and their rights to identity, heritage, and citizenship. I write to you personally, on behalf of hundreds of thousands adopted people in Virginia and across the country, and in my capacity as an attorney. **I ask that you report HB550 favorably to the full Health and Human Services Committee.**

The issue HB550 raises is fundamentally about fairness to the person whose own record is at stake: the adopted person. More importantly, as legislators in a number of diverse states have recently pointed out—most notably the last two year with Louisiana, Minnesota, Vermont, and South Dakota’s passage of similar bills—there can be no alleged “state promise” of anonymity for birthparents when 1) the vital record is not their own; and 2) a promise of anonymity is impossible.

State enforcement of a non-existent promise of anonymity actually *undermines birthparent privacy* (which is different from anonymity), *incentivizes the use of other effective tools* (most prominently DNA testing), and *makes the entire situation worse for all persons and families involved* (by spreading personal information across the family, often through generations). This is shown by the attached illustrations. In the first one, the adopted person requests his or her own original birth record at age 18—as proposed in HB550—and he or she receives it in a few weeks, like all other Virginians. That’s it. The adopted person may do nothing with that single piece of paper, other than to confirm

information they already knew. Or the adopted person may seek to find out more information about any parents listed on the record—though increasingly, adoptees discover that their birthparents are now dead. But, unlike DNA, they are not forced to contact multiple family members across generations to identify a birthparent, often asking very personal questions, such as “do you know who in the family relinquished a child for adoption in 1972.”

This is what the second illustration shows, and it is the result of the state incentivizing the most effective tool left to adoptees who are not provided their own birth record on request: consumer DNA testing. As you can see from the illustration—which is something I have witnessed multiple times in representing adult adopted people—inexpensive consumer DNA testing often leads to second or third cousin matches. These matches are then contacted through 23andMe or Ancestry.com (or any number of companies that hold DNA data for tens of millions of people) and are asked about the biological connection to the adoptee. From there, multiple family members get involved, as it becomes a genealogical mystery to solve, a mystery played out millions of times every day within a multi-billion dollar genealogical industry.

Incentivizing DNA as a tool to “out” birthparents is the wrong approach. It makes an adoptee’s simple request for basic information on their own birth record more public, more widely shared, and less private for all involved, including the adoptee. HB550 does what is fair: making the right to your own birth record a right enjoyed by all Virginians, not just those who were never adopted. What an adoptee does with that record is up to them, but possessing that single piece of paper does not lead to widespread publication of information that occurs without it.

I ask that you support HB550 with a DO PASS recommendation. The bill is by far the simplest and best approach to this important issue.

Best regards,

ADOPTEE RIGHTS LAW CENTER PLLC

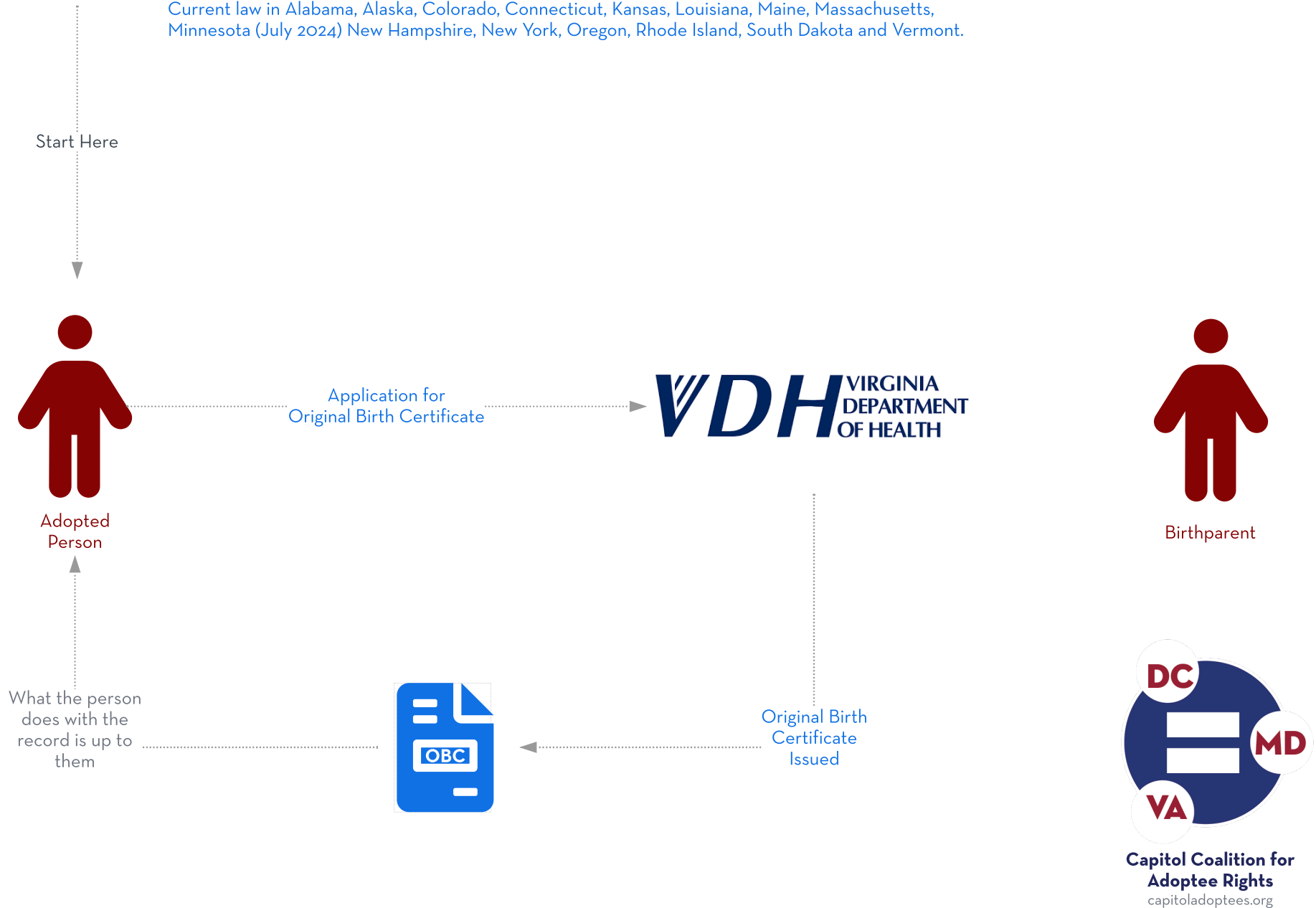


Gregory D. Luce

When Adult Adopted People Have a Right to Request and Obtain their Own Birth Records

Current law in Alabama, Alaska, Colorado, Connecticut, Kansas, Louisiana, Maine, Massachusetts, Minnesota (July 2024) New Hampshire, New York, Oregon, Rhode Island, South Dakota and Vermont.

Virginia HB550



When West Virginia Denies Adoptees their Own Birth Records - and Compels DNA Testing Instead

