



February 10, 2026

Senator Liz Krueger, Chair
Senator Thomas F. O'Mara, Ranking member
Standing Committee on Finance
New York State Senate

Assemblyman J. Gary Pretlow, Chair
Assemblyman Ed Ra, Ranking member
Standing Committee on Ways and Means
New York State Assembly

RE: Bureau of Vital Records Funding, FY 2027 New York Executive Budget

Dear Senators Krueger and O'Mara; Assemblymembers Pretlow and Ra,

On behalf of the Association of Professional Genealogists (APG), **we strongly support the Governor's proposal to invest \$7 million to modernize New York's Vital Records program**, including digitizing archival records for genealogical requests and increasing staffing to address long-standing backlogs.¹ This proposal, if implemented with clear deliverables, can finally bring New York's historic birth, marriage, and death records in line with the needs of New Yorkers and the best practices of peer states.

APG is the world's largest association of professional genealogists, representing more than 2,000 members worldwide, including a significant number of New Yorkers. Our members run small businesses which use public records for a variety of legal purposes. We support attorneys and courts in estate and kinship matters, assist families with dual citizenship applications, and help identify soldiers from 20th century conflicts when their remains are found overseas. The work we do relies on public records, and vital records, specifically, are the foundational documents we use for many research purposes, including:

- Identification of the biological families of adoptees and those with misattributed parentage
- Reunification of families separated by genocide and diaspora
- Genetic history research to identify individuals who carry inherited diseases
- Cultural and historical studies documenting the lives of everyday New Yorkers

The Governor's Executive Budget language is the most promising public commitment New York has made in years on this issue, as it "provides \$7 million to make technological

¹ <https://www.budget.ny.gov/pubs/archive/fy27/ex/approps/stateopsbudget.pdf>

improvements to the vital records system, launching an effort to digitize archival records for genealogical requests, as well as increasing program staffing to address the significant backlog.”²

While we are excited at the prospect of the Department receiving more funding, New York cannot afford a modernization effort that is “modern” in name only—one that improves internal workflows but leaves the public with the same practical inability to access older records that we have endured for years. The Department’s deprioritization of genealogical requests suggests that without specific legislative direction, genealogists will continue to face unreasonable delays even if they can improve their own infrastructure.

APG credits the Legislature’s engagement for moving the State away from last year’s attempt to restrict access to these records, and instead toward an approach that, if executed faithfully, benefits everyone. But the Legislature must recognize that money with no strings attached cannot guarantee that the money is spent properly. Modernization funding must be paired with a plan that is specific enough that it requires the Department to actually provide records to the public, and ideally, to proactively publish them online. We urge the Legislature to keep and protect the \$7 million appropriation, but to attach clear requirements or conditions for disposition leading to increased real public access to historic records.

APG has a number of questions which the Legislature should seek to clarify which would inform the framing of any final legislation:

1. As per the Governors’ State of the State Book, the backlog has increased in the last year from about 11,000 requests to 12,000. With all the scrutiny of this backlog in that timeframe, why has it only gotten worse?
2. Given that only about 3% of the Department’s total requests are genealogical requests, why are there years-long delays for only these?
3. What year ranges constitute “archival records” under the Governor’s proposal, and why would these archival records not simply transfer to the New York State Archives?
4. Will this digitization result in public online access to images and indexes, and if not, why not, and how instead will this appropriation improve access?

New York’s Bureau of Vital Records’ practices have, intentionally or not, produced an untenable outcome for those seeking access to these important records: essentially no public access to documents accompanied by a lack of transparency regarding the Department’s workflows. APG is aware of other historians who have resorted to litigation against the Department in hopes of discovering even basic information. APG’s prior testimony³ describes how the agency’s approach has repeatedly resulted in years-long waits and unfulfilled paid requests, and how previously proposed “fixes” have simply closed off access entirely. These practices are exactly why this moment requires legislative oversight.

² <https://www.budget.ny.gov/pubs/archive/fy27/ex/book/briefingbook.pdf>

³ https://www.apgen.org/docs/APG_Written_Testimony_Re_NY_Vital_Records_31_Jan_2025.pdf

Scanning millions of records for internal reference will not inherently improve access, and hiring staff may only solve part of the problem, because even the other 97% of requesters seeking certified copies of their own records frequently wait 9-12 months for fulfillment. Even before the massive genealogy backlog formed circa 2020,⁴ genealogists had been getting shuttled to the back of the line since at least 2010 with the Department reporting delays of up to five-month⁵ delays while everyone else's orders were fulfilled within a few days or weeks.⁶ We have serious concerns that this funding will be used to reduce the egregiously-long certified copy backlog, leaving us in the same situation in which we have always been.

We urge the Legislature to keep this funding in the final budget, and to strengthen it with clear deliverables and accountability that require a modernization plan resulting in real access for New Yorkers and researchers worldwide. APG stands ready to participate in stakeholder conversations and provide practical guidance based on the models that work across the country. We enclose again the appendix that we provided last year, which provides an overview of how other states more successfully manage their historic vital records.

Respectfully,



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⁴ <https://cbs6albany.com/news/local/backlog-at-new-york-state-office-of-vital-records-frustrates-genealogists>

⁵ https://web.archive.org/web/20101004141242/https://www.health.ny.gov/vital_records/genealogy.htm

⁶ https://web.archive.org/web/20101004141230/https://www.health.ny.gov/vital_records/death.htm

Appendix: How do vital records work in New York and across the Country?

New York’s vital records are far less accessible to the public and to relatives of those named on the records than in nearly every other state. While many people assume that vital records, especially death records, are open to the public, this is not the case in New York. Certified copies of vital records—that is, copies that can be used for legal purposes and to prove identity—are only made available to narrow classes of people. For birth and marriage records, this list is limited to the people named on the document. For death records, spouses, siblings, parents, and children are entitled. If these people are all deceased, **the only way to get a certified copy is often via a court order.**⁷ In virtually every other state, descendants, and often other relatives, are entitled to certified copies of vital records. The New York City Department of Health and Mental Hygiene, which is part of a separate vital records jurisdiction, has some of the strictest access regimes in the county. Yet they allow descendants and nieces/nephews (with no generational limit) to receive certified copies of vital records.⁸

Additionally, **most states allow anyone to obtain a certified copy of a vital record after a certain number of years.** In some states, such as California, Massachusetts, Connecticut, and Ohio, this threshold is 0 years. Essentially anyone can obtain a certified copy of any vital record. More common is that anyone can obtain a certified copy after 50 or 75 years, or that marriage and death records are available in a certified format immediately, but birth records have restrictions placed on them because of their frequent use as an identity document.

Some states have frameworks where there may be restrictions on certified copies, but anyone can obtain uncertified copies (and/or records that are marked as “not an identity document”). These records are generally not useful for legal purposes but can be used for research. Such systems exist in Minnesota, New Jersey, and Washington. Anyone can request any vital record, including ones issued within the last week, but they can only get an uncertified version of it.

More common is that after a certain duration of time, vital records move to a state archive, where they can be inspected in person at no cost. The archives often scan them, either internally or with the help of a vendor, and post them online. This is the case in New Jersey, Massachusetts, Pennsylvania, Rhode Island, Vermont, Maryland, Virginia, West Virginia, North Carolina, Delaware, Tennessee, Missouri, Minnesota, and Washington. **Once the records move to the archives, anyone can obtain a certified copy for a fee or a scan / photocopy / uncertified copy at low or no cost.** In New York City, birth records before 1910, and marriage and death records before 1950 are at the Municipal Archives, and are mostly available online for free.⁹

⁷ There are other provisions in the law for who can obtain certified copies, but rarely do they apply to researchers. The one exception is that the DOH permits descendants to obtain certified copies if they are seeking dual citizenship, as they view that as a “legal right or claim.” Other parts of the law are irrelevant entirely, such as the section allowing scientific research access or the section allowing government agencies access.

⁸ <https://www.nyc.gov/site/doh/services/birth-death-records-death.page>

⁹ <https://a860-historicalvitalrecords.nyc.gov/search>

Additionally, **many states have statutory mandates that vital records indexes be made available.** This is the case in at least Oklahoma, New Jersey, Virginia, Texas, California, Massachusetts, Maine, and Wisconsin. Many other states regularly provide copies of indexes upon receipt of an open records request. This has been the case in at least Idaho, Ohio, Connecticut, Vermont, Missouri, Wyoming, Nebraska, Maryland, Washington and Nebraska.

We have none of these options under New York State's current statutory structure. The records never move to an archive; the records never become available online or at a low cost; they never become public in certified form; and close relatives are still often unable to obtain certified copies without judicial intervention. To make matters worse, **because the DOH has essentially shut down genealogy requests, even uncertified copies of select older records are, for all intents and purposes, unavailable.**

There is no state that charges anywhere approximating \$95 for an uncertified (or even certified) copy of a vital record.¹⁰ California and Michigan each charge \$34 for a certified vital record; these may be the most expensive vital records in the nation. Of the states that offer uncertified vital records, the most expensive is likely New Jersey, which charges \$25 for recent records at the Department of Health (while all historic ones are freely available at the archives). Regarding uncertified copies of older records, the state with the most expensive fee structure is probably already New York, at \$22.

Vendors such as Ancestry and FamilySearch have digitized vital records in some form in virtually every state. In recent years, many departments of health and state archives have pursued mass digitization projects, allowing Ancestry and FamilySearch to publish millions of vital records online, some of which are dated as recently as the 2010s. This list includes but is not limited to Michigan, Indiana, Idaho, Pennsylvania, Montana, Iowa, North Carolina, Massachusetts, and Vermont. At least one state, Virginia, has specific statutory text authorizing a private vendor to digitize and publish vital records. **For years, Ancestry has been offering BVR the option to digitize New York's older vital records—at no cost to the taxpayers—and publish them online. The agency has declined to engage with them, opting instead to pay hundreds of thousands of dollars to a vendor to scan more than 30 million certificates for internal use only.**

¹⁰ This paragraph pertains to the 2025 proposal to drastically raise fees to a level higher than any other state.