



THE JUDICIARY, STATE OF HAWAII

Testimony to the House Committee on Human Services

The Honorable John M. Mizuno, Chair

The Honorable Jo Jordan, Vice Chair

Thursday, February 10, 2011, 9:00 a.m.

State Capitol, Conference Room 329

by

Sabrina S. McKenna

Deputy Chief Judge/Senior Family Court Judge

Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1407, Relating to Adoption Records

Purpose: Provides that after a child is adopted, the birth certificate includes the names of the adoptive parents and the natural parents. Changes existing law to provide for access to confidential adoption records, under certain circumstances.

Judiciary's Position:

The Judiciary takes no position on this bill, but respectfully provides the following comments.

This bill amends the existing law to remove the adoptive parent's prerogative to decide whether the birth certificate of an adopted child or adult will include the names of the adoptive parents and the birth parents. The bill, instead, mandates that the birth certificate of adopted persons include the names of the adoptive and natural parents. This mandate may run afoul of the constitutionally protected rights of privacy for the adoptee, the adoptive parents, and the birth parents.

This bill also amends the existing law regarding the confidentiality of adoption records. When adoptions occur, both sets of parents and the adoptee rely on the law, existing at the time of the adoption, to establish the parameters of confidentiality. If the intent of the Legislature is to honor this expectation, then this bill may need to clarify that these new provisions are to be applied to new adoption cases only.

Thank you for the opportunity to provide testimony on this matter.

Sent: Tuesday, February 08, 2011 11:22 AM
To: HUS testimony
Cc: niki@landgraf.net
Subject: Testimony for HB1407 on 2/10/2011 9:00:00 AM

Testimony for HUS 2/10/2011 9:00:00 AM HB1407

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Niki Landgraf
Organization: Adoption Circle of Hawaii
Address:
Phone:
E-mail: niki@landgraf.net
Submitted on: 2/8/2011

Comments:

I am a birth mother. I found my daughter when she was 20 years old. She is now forty. My multi-ethnic daughter was raised by a Caucasian family on the mainland. After we met, she moved to Hawaii to attend UH and to explore her roots, with the blessing of her adoptive parents. They visit regularly, and have even stayed in my home. I may not be "Mom", but my sons are her brothers, and her children call me Tutu. She also has an on-going relationship with her birth father and his family. My daughter had 4 sets of parents at her wedding! I felt I had come full-circle when I traveled to China with her and my son-in-law when they adopted their first daughter. Having my daughter and her adoptive family in my life has brought me great joy and peace. I know she feels this way as well.

From: Eun-Ja Kim [djkimcheelove@yahoo.com]
Sent: Wednesday, February 09, 2011 12:53 PM
To: HUSTestimony
Cc: adoption circle hawaii; erin castillo; Eun-Ja Kim
Subject: HB1407 testimony (support)

DATE: February 11, 2011; Rm. 329, 9 am

TO : Representative John Mizuno; House Human Services Committee Chair

FR : Amanda Lowrey, Ph.D.
55 S. Kukui St . #310D , HNL , HI 96813

RE : H.B. No. 1407 Relating to Adoption Records

I am submitting testimony in SUPPORT of H.B.1407.

I am an adoptee and president of Korean Adoptees of Hawai`i (KAHI) who supports allowing access to sealed adoption records to those who are parties to the adoption.

After being left in front of a bank with no identifying information, I was in an orphanage for a year before I was adopted from Korea to the United States in 1976. I have conducted a search and still have no information about my Korean family. Today it is taken for granted that adoptees will become naturalized citizens and have information provided to them about their birth parents. This, however, is not the case in all situations. I understand why birth parents might wish to keep their information secret. However, we deserve, as adults, the right to know about our first families, their medical history, and to choose to contact them if we so wish. Although those of us who are adopted internationally have many more obstacles than domestic adoptees to overcome during their birth search, that does not mean domestic adoptees have any less of a difficult time.

The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. When family members are disconnected, it ripples through the successive generations until someone has the courage to begin a search. Choosing to search for members of birth family lost to adoption is not unlike genealogical research conducted by any family.

The sealing of adoption records by state governments that began in the 1940's is an antiquated policy that does not comport with current information sharing practices. Once the adopted individual reaches adulthood, the adoption has "expired" in that there is no compelling state interest in withholding information from the adult parties to the adoption because there is no longer an adopted "child" to protect.

Finally, **Hawaii's unique history with "hanai", where birthparents share the parenting of their children with the hanai (adoptive) family, should serve as a model to promote sharing of information between parties.** Hanai encourages acknowledgment of the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Many local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest in their native Hawaiian heritage or nor support traditional practice.

Thank you for this opportunity to testify.



P.O. Box 10304
Honolulu, HI 96816-0304
Phone: (808) 591-3834
info@adoptioncirclehawaii.org

February 10, 2011

TO : Representative John Mizuno, Chair
House Committee on Human Services

FR : Adoption Circle of Hawaii

RE : H.B. No. 1407
Relating to Adoption Records

The Adoption Circle of Hawaii (ACH) SUPPORTS H.B. No. 1407

Adoption Circle of Hawaii, established in 1986, is a non-profit organization that provides information, advocacy, and support to members of the triad and educates the community about the adoption experience. The adoption triad refers to adoptees, adoptive parents, and birthparents. We are a grassroots volunteer organization composed of triad members and professionals who believe that truth in adoption best serves the needs of all involved. We assist members of the triad who are seeking to reconnect with family members lost due to adoption.

Some members of the triad lack such basic information as ethnic or racial heritage and family medical history. Others want to know their story – what happened during their time apart – why did it happen – can they renew a relationship with the family members they have found?

Just over twenty years ago, in 1990, the Hawaii Legislature passed one of the more progressive laws in our country, allowing access to adoption records for adoptees whose adoptions were finalized in 1991 or thereafter. However, adoptees whose adoptions were finalized before 1991 are required to endure an intermediary search that can cost them between \$600 to over \$1,200 to request access to their adoption records.

When did it become shameful to be adopted – to be an adoptive parent – or to relinquish a child for adoption? Ironically, the shame of adoption was institutionalized when most states sealed adoption records in the mid-20th century. This was an early attempt to “assimilate” adoptees into their adoptive families by keeping secret the identities of the birth family from the adoptive family and vice versa.

The best practices of adoption have evolved since that time. Child placement agencies often practice some form of “open” adoption, where information about ethnicity, race, medical and genetic information is shared. What remains are outdated state laws that seal adoption records and amend original birth certificates of adoptees to include only their adoptive parents’ names, resulting in what some adoptees have called the “original identity theft”.

It is time to remove unnecessary government intervention in adoption records, once the adoptee reaches the age of adulthood. It’s time to treat all members of the adoption triad with respect, by allowing the parties to the adoption to make a written request to the court for access to the adoption records and allowing such access to all adult parties, and retaining birthparent information on the amended birth certificates.

Mahalo for your consideration of our testimony.

Sincerely,

Tom Moore, President of Adoption Circle of Hawaii
(Signed)

Sent: Tuesday, February 08, 2011 9:40 AM
To: HUS testimony
Cc: sagostinelli@hawaii.rr.com
Subject: Testimony for HB1407 on 2/10/2011 9:00:00 AM

Testimony for HUS 2/10/2011 9:00:00 AM HB1407

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Sue Agostinelli
Organization: Individual
Address: Mililani Hawaii
Phone: 8086235597
E-mail: sagostinelli@hawaii.rr.com
Submitted on: 2/8/2011

Comments:

I am a birthparent who supports allowing access to sealed adoption records to those who are parties to the adoption.

February 7, 2011

MEMORANDUM

TO: The Honorable John M. Mizuno, Chair
Committee on Human Services

FROM: Harry and Doreen Akamine

SUBJECT: **H.B. 1407 RELATING TO ADOPTION RECORDS**

Hearing: Thursday, February 10, 2011; 9:00 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of H.B. 1407 is to allow access to adoption records by parties to the proceedings under certain circumstances.

POSITION: We are writing in support of this bill.

The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. When family members are disconnected, it ripples through the successive generations until someone has the courage to begin a search. Choosing to search for members of birth family lost to adoption is not unlike genealogical research conducted by any family.

The sealing of adoption records by state governments that began in the 1940's is an antiquated policy that does not comport with current information sharing practices. Once the adopted individual reaches adulthood, the adoption has "expired" in that there is no compelling state interest in withholding information from the adult parties to the adoption because there is no longer an adopted "child" to protect.

Further, Hawaii's unique history with "hanai", where birth parents share the parenting of their children with the hanai (adoptive) family, should serve as a model to promote sharing of information between parties. Hanai encourages acknowledgment of

the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Many local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest in their native Hawaiian heritage nor support traditional practice.

As parents of two adopted children, we have experienced first hand what happens when a child given up for adoption struggles to deal with their feelings of abandonment, rejection and not knowing anything about their birth parents and family. These feelings will last a lifetime and will never disappear. We know of adult adoptees that struggle with these feelings; the ones that have had successful reunification with their birth parents and family are able to deal with this feeling in a positive manner (even though the feelings are still prevalent). The ones that have been unsuccessful continue to struggle.

Therefore, we ask that this bill be passed.

Thank you for the opportunity to comment on this bill.

**Testimony in support of HB1407 RE: Adoption
Records**

As a birth mother who re-united with her son after 27 years under another state's law, I can't impress upon the committee enough how important it is for Hawaii to change its antiquated state laws. The separation trauma concomitant with adoption (for both child and mother) is immeasurable and has been well researched and documented over the past two decades. Access to one's birth records and reunions are not only invaluable to the emotional healing process but, can also be a life saving measure regarding inherited medical maladies. I urge you to change Hawaii State laws relating to adoption records and help thousands of people become 'whole' again. To know one's heritage is a human and civil right not to be impeded.

Respectfully Submitted,
Gina Bailey, Ph.D.

DATE February 10, 2011

TO : Representative Mizuno, Chair
House Committee on Human Services

FR: Alton Castillo, spouse of an adoptee
Kaneohe, Hi

RE : H.B. No. 1407
Relating to Adoption Records

I am submitting testimony in SUPPORT of H.B. No. 1407

I am a spouse of an adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption.

My wife was adopted as an infant to a very wonderful and supportive family that met all her needs whether it be through schooling and a wonderful home life. It was sad to see her separated from her birth parents, but she would have probably suffered from a life of neglect if she was raised by her birth family. She searched and found her birth family and it helped to give her answers. This information is also our children's information as their mother's history is also their history.

Questions can't be answered by sealed adoption records. And the questions don't stop at "who you are or where you came from" There are important questions that need for inheritance, medical reasons, etc.

There are many questions that reside in adopted people's lives and it can be remedied by opening up records that will reveal answers to questions and heal them.

DATE February 10, 2011

TO: Representative Mizuno, Chair
House Committee on Human Services

FR: Ms. Erin Iwalani Castillo LCSW, DCSW
Licensed Clinical Social Worker,

RE: H.B. No. 1407
Relating to Adoption Records

Testimony in SUPPORT of H.B. No. 1407

I am an adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption.

I was born and raised here in Hawaii. I was adopted by a loving local couple who deeply cared for me and my adopted sister. We grew up knowing we were adopted. I attended and graduated from Kamehameha Schools. I attended and graduated from the University of Hawaii, School of Social Work, Master's Program.

When the law was enacted in 1991, it was time for me to search. I was surprised to find out that I did not have access to my adoption records with the passage of the new law. I had to go through the intermediary process and I had to spend time and money to obtain my birth history.

My adopted parents supported me in my search and met my birth family. Overall, it has been a positive experience, tinged with sadness as my birth parents had already passed away. I now have connections and answers to my past that has helped me in my future. I can now pass on my true genealogy to my two children that I gave birth to and are now rearing.

I am also a licensed clinical social worker and over the years have participated in collaborations and conferences that have supported openness in adoption practices. Here in Hawaii we have a long standing tradition of "Hanai" where children are raised by family or close family friends. Hanai serves as a model to promote sharing of information between parties. Hanai encourages acknowledgment of the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest in their native Hawaiian heritage or support Hawaiian traditions.

Adopted people should have the same access to their genealogical information as non-adopted people. It is unjust for any state or country to single out one group of adult citizens by the passage of laws that serve to conceal the true circumstances of

their births. It is time to remove unnecessary intervention in adoption records, once the adopted person reaches the age of adulthood.

Once an adopted person reaches adulthood; the adoption has "expired" in that there is no compelling state interest in withholding information from the adult parties to the adoption because there is no longer an adopted "child" to protect.

It's time to treat all members of the adoption triad with respect, by allowing the adult parties to the adoption to make a written request to the court for access to the adoption records, and retaining birthparent information on the amended birth certificates.

Thank you for the opportunity to submit my testimony.

Sent: Tuesday, February 08, 2011 10:19 PM
To: HUS testimony
Cc: mjdorsey@hawaii.rr.com
Subject: Testimony for HB1407 on 2/10/2011 9:00:00 AM

Testimony for HUS 2/10/2011 9:00:00 AM HB1407

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Mary Jeanne Dorsey
Organization: Individual
Address: 933 Kaheka Street HI
Phone: 808 381 5338
E-mail: mjdorsey@hawaii.rr.com
Submitted on: 2/8/2011

Comments:

From: Darrow Hand [doctordarrow@gmail.com]
Sent: Wednesday, February 09, 2011 12:55 AM
To: HUSTestimony
Subject: HB1407 - relating to Adoption Records - Support

Committee on Human Services
Thursday, February 10, 2011, 9:00 am, Rm 329
Strong Support - HB1407 Relating to Adoption Records

Dear Rep. Mizuno, Chair, Rep. Jordan, Vice Chair and Committee members.

My name is Darrow Hand. I am writing in strong support of HB 1407 relating to adoption, in part because closed adoption laws detrimentally affected my family.

I believe everyone has a right to see their own birth certificate, especially when they have reached 18 years of age. It is important for everyone to know their family's medical history and heritage. It is important for their own identity development to know where they came from.

I have heard that the purpose of closed records is for privacy protection. In a 2007 study published in *Adoption Quarterly*, "the results of this investigation reveal that a vast gap exists between the *fear* by birth parents and adopted adults that their privacy will be invaded and their family disrupted and the *reality* that few or no offenses are committed." [Emphasis original]

In 2007 my mother received a phone call out-of-the-blue from her sister that no one in the family had known existed. My aunt went to great efforts to track us down. I was excited and thrilled that she had found us. I think it's unfortunate that I was deprived of the opportunity to grow up knowing my aunt.

Honest communication is important in creating healthy relationships. I don't think it's appropriate for the State of Hawai'i to block communication and detrimentally affect our relationships.

Thank you for the opportunity to testify.
Darrow Hand,
Honolulu, HI

To HUS [House Comm. on Human Svcs], for 2/10/11 9a. Rm 329

Aloha,

I am Deborah Kimball, adoptee. I have enjoyed the benefits of the Adoption Circle of Hawai'i, but I do not today speak for it. I also led two Adoptee Support Groups for the YWCA of Kaua'i in the late 1980s. I have an M.A. In Public Policy & Administration. I am retired from paid work for non-profits but still volunteer.

I urge your support of HB1407, to amend an outdated and unjust law.

1. Secrets and lies on birth certificates, My wilfully state-falsified certificate of birth has a name given me 2 years and 2 months after my birth--after I knew my birth name and had an identity, had lost my "natural" mother and my foster parents.

The parents named on this certificate were in no way whatsoever involved in my birth.

The official date on this certificate is 100% false.

Does the state really want to set an example of falsifying documents? and to stigmatize and disrespect adult adoptees seeking their own truths?

Truth, justice and respect are due adult adoptees as equal citizens, with free access to our true certificate of birth, our medical history, and our ethnicity like any other person--and the same freedom to deal with our records that all other citizens have.

2. Secrets and lies were devised many decades ago to supposedly “protect” birth parents and adoptive parents, with disregard for--or ignorance about--adoptees. We suffered great losses; the state added the loss of the truth of our heritage. We are haunted by: Where did I come from? Who am I? Why was I rejected? Could that person (ANYone) be a blood relative? History, culture, home, place, and family background were and are denied to slaves, and to babies trafficked and kidnapped. Adoptees were put—consciously, legally!--into this group without these human rights.

Truth, justice and respect. Parents opted, in theory, to be parents and to reject or to adopt; we adoptees never opted to be born, or rejected, or adopted. With secrecy and unequal status the law disrespects us. No longer legally powerless babies, we merit legal truth, justice and our basic human rights.

3. Secrecy and lies for the sake of the reputation and feelings of parents keep us stigmatized, “less-than,” the “victims” of birthparent actions. As adults, the law implies that we are not trusted and have no right to know our own truths of origin. What hideous--or noble--pasts have we that must be a state secret? Or why is adoption “bad” so that its proceedings are secret? No wonder many of us feel like outsiders and alienated; lack identity; have trouble bonding, trusting and making attachments!

Truth, justice and respect demand that the state recognize adoptee losses inherent in relinquishment and adoption, and never add burden onto adoptee quests to be “normal,” with the rights of all—ALL--other citizens to their own records. It is past time.

4. Secrets and lies cause many in the adoption triad to spend years of their lives agonizing and perhaps searching—a totally unnecessary, waste of our money, time and spirit imposed by the state! Only a few “lucky” gamblers—i.e. searchers--win. The state’s keeping secrets from us is a terrible burden and waste for us— punishment for “the sins of our fathers.”

Truth, justice and respect heal us. Many “natural” parents want Truth. Many adoptive parents recognize that their adoptees’ Truth, justice and respect help to heal all of us.

Truth, justice and respect you can now easily vote in.

Please pass SB1510.

Mahalo.

DATE: February 8, 2001
TO : Representative John Mizuno, Chair, House Human Services Committee
FROM : Kenneth Kipnis, PhD 9

Testimony in Favor of HB 1407

I am Kenneth Kipnis, Professor of Philosophy at the University of Hawai'i at Manoa. I have lectured and published extensively on ethical and jurisprudential issues involving children.

When a child is brought into the world, either the mother or both biological parents have the option to give the baby up for adoption. Generally we consider that all parental rights and responsibilities are thereby transferred to the adopting couple. For Hawai'i babies born before 1991, the termination of parental responsibilities can be virtually total. Nondisclosure arrangements involving a judge and the biological and adoptive parents, supported by the State of Hawaii, in effect, allow biological parents to wash their hands of all parental obligations toward the child. Women and men could bear or father a child and sever all legal ties to it.

A key function of a legislature is to ensure that the important interests of third parties are adequately protected in agreements. One party who is profoundly affected by adoption is the adult man or woman that the baby eventually becomes. He or she is not present at the table when the terms of the adoption agreement are hammered out. And yet, over time, he or she may come to have pressing needs for medical data, cultural and genealogical information, and other things that adoptive parents are not in a position to provide. Sealing birth records can make it impossible to meet such needs. For this reason it has always been a mistake to require or permit biological parents to divest themselves of all of their responsibilities; in particular, a mistake to divest themselves of those responsibilities that only they -- not the adoptive parents -- can discharge. Likewise it has always been a mistake for biological parents to assume that, years later, the courts will reliably rebuff efforts by their adult sons or daughters urgently trying to connect with their biological fathers and mothers

This mistake has been corrected for babies born 1991 and afterwards. It should be corrected for babies born before. The House should pass HB 1407, acknowledging and reminding us that all who bring children into the world, later giving them up, will retain certain enduring and inalienable obligations toward the adults their babies will become.

Kenneth Kipnis [kkipnis@hawaii.edu]
Professor of Philosophy
University of Hawai'i at Manoa

DATE February 10, 2011

TO : Representative Mizuno, Chair
House Committee on Human Services

FR : Gordon W. Mattos, Adoptee

RE : H.B. No. 1407
Relating to Adoption Records

I am submitting testimony in SUPPORT of H.B. No. 1407

I am an adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption.

In my own experience of dealing with sealed adoption records, I was determined to find out more about my biological parents and siblings. It was through the help of the social worker who had worked with my biological mother, that I was fortunate enough to have information that was sealed, to be shared with me by the notes and records that the social worker had from her own files, thereby, circumventing access to sealed adoption records, which still remains sealed, as far as I can remember. This law would have made the searching a whole lot easier.

The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. When family members are disconnected, it ripples through the successive generations until someone has the courage to begin a search. Choosing to search for members of birth family lost to adoption is not unlike genealogical research conducted by any family.

The sealing of adoption records by state governments that began in the 1940's is an antiquated policy that does not comport with current information sharing practices. Once the adopted individual reaches adulthood, the adoption has "expired" in that there is no compelling state interest in withholding information from the adult parties to the adoption because there is no longer an adopted "child" to protect.

Finally, **Hawaii's unique history with "hanai", where birthparents share the parenting of their children with the hanai (adoptive) family, should serve as a model to promote sharing of information between parties.** Hanai encourages acknowledgment of the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Many local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest in their native Hawaiian heritage or nor support traditional practice. Thank you for the opportunity to present this testimony in hopes that the current laws will be changed to reflect current approaches of the promotion of sharing of information between parties involved in the adoption process. Mahalo for your consideration of this bill.

February 8, 2011 2 p.m.

To: Representative John Mizuno, Chair, Human Services Committee
House Human Services Committee

From: K. McGlone

Re: HB 1407 Relating to adoption records

I SUPPORT HB 1407 to allow parties to an adoption to access their records.

I am supporting this bill as someone with both personal and professional knowledge about adoption. I am an adoptee. I also have a PhD in social welfare and have studied child welfare issues, especially adoption and foster care.

The outmoded concept of illegitimacy, resulting from a woman giving birth outside of marriage, is the root of how US adoption records became sealed. In the 1930s and 1940s, states amended birth certificates to substitute the adoptive parents' names in the place of the birth parents. This action was to protect adopted persons born to unmarried mothers from the stigma of being considered "illegitimate" by the public (Donaldson, 2010). The sealing of the original birth certificate was a way to keep the family information for the child with the expectation that the adopted person would return later to request this information. After World War II, the focus shifted from confidentiality (protection from public scrutiny) to secrecy, which prevented access even by those involved in the adoption. The Donaldson Institute reports (2007, 2010) attribute various reasons for these changes, including the social mores of the time.

In 2011, it's no longer the state's interest to protect adopted children when they are no longer children and they as adults want to know their origins. Young children or babies that were adopted did not consent to the terms of their adoption.

The Child Welfare League of America (CWLA, 2000) in their standards for adoption services called for agencies to support efforts and promote policies to ensure that adults who were adopted have direct access to identifying information about themselves and their birth parents. CWLA said this information is essential to adopted adult's identity and health needs. Also, adopted persons have a right to know who their parents are. All other adults and adopted persons in Hawaii born in 1991 or after when they reach 18 have access to their original birth certificates. This legislative reform seeks to open this information only to the parties directly involved.

Many birth parents do not want to be anonymous to the children they relinquished for adoption. And they do not oppose adopted adults access to their original birth certificates (Donaldson Institute, 2010).

With open records in Scotland since 1930, England since 1976, New South Wales Australia, and Oregon, there is no indication that adopted persons have misused their information or that birth parent families have been harmed (Carp, 2007). Similarly, we have not heard of any offenses with Hawaii's intermediary

system, established in 1991. Carp's study of the effect of open records found a "vast gap" between the *fear* of what would happen with access to birth information and the actual *reality*.

If the State claims it wants to protect birth parents, it warrants a closer examination of what the State is protecting them from. The birth parent of a child who is now at least 18, would be at least in their thirties. Birth parents may have strong feelings, which may include loss, regret, isolation (if they kept it secret), shame, and guilt to name a few. Birth mothers might have felt abandoned by the baby's father leaving or their family not supporting their keeping the baby. Is it really State interest to shield birth parents from emotions that could surface when the reality of their relinquished child contacts them? Dire consequences are unlikely to result from the adult facing their feelings and the consequences of their actions years ago. This is not a State matter. All involved are now adults who negotiate contact and relationships with everyone in their lives.

These are a few of the reasons I support HB 1407 to allow access to birth records for adult adopted persons. I urge you to support this bill. Thank you.

References

Carp, Wayne (2007). Does opening adoption records have an adverse social impact? Some lessons from the U.S., Great Britain, and Australia, 1953-2007. *Adoption Quarterly* (10), 3/4, p29-52.

Child Welfare League of America (2000). *Standards of Excellence for Adoption Services*. Washington, DC: Author.

Evan B. Donaldson Adoption Institute (2010). *For the records II: An examination of the history and impact of adult adoptee access to original birth certificates*. Policy & Practice Perspective. New York: Author. http://www.adoptioninstitute.org/research/2010_07_for_records.php (downloaded 2-6-11)

Evan B. Donaldson Adoption Institute (2007). *For the records: Restoring a legal right for adult adoptees*. New York: Author. http://www.adoptioninstitute.org/publications/2007_11_For_Records.pdf (downloaded 2-2-11)

Sent: Wednesday, February 09, 2011 10:55 AM
To: HUS testimony
Cc: tomor@hotmail.com
Subject: Testimony for HB1407 on 2/10/2011 9:00:00 AM

Testimony for HUS 2/10/2011 9:00:00 AM HB1407

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Tom Moore
Organization: Individual
Address: P O Box 10304 Honolulu HI 96816
Phone: 723-1673
E-mail: tomor@hotmail.com
Submitted on: 2/9/2011

Comments:

You simply cannot fathom the fear, uncertainty and doubt that arise from a life spent looking for somebody who looks like me. Knowing who you come from is as fundamental a right as possibly can be. As an adoptee I am all too familiar with the pain and dysfunction caused by closed birth records. Because the State prevents us from knowing our history, our lives are consumed by unhealable wounds.

You as legislators are constantly called upon to balance competing rights. There is little competition here: 1) There is no significant, broad-based evidence that birth mothers need or even want confidentiality; 2) The institution of adoption is very strong and will not be diminished by expanding adoptee rights, especially here in Hawai'i where the Hanai tradition predates modern adoption law.

You have a unique opportunity, in a contentious, cash-starved session, to do something profoundly positive for nearly 10% of your constituents; AND without having to take even a dime from the other 90%.

Please do the compassionate thing.
Please do the logical thing.
Please support HB 1407.

Sent: Tuesday, February 08, 2011 5:16 AM
To: HUS testimony
Cc: zebra126@gmail.com
Subject: Testimony for HB1407 on 2/10/2011 9:00:00 AM

Testimony for HUS 2/10/2011 9:00:00 AM HB1407

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Annmarie Pascuzzi
Organization: Individual
Address: 126 Stephenson Blvd. New Rochelle, NY 10801
Phone: (914)-400-9614
E-mail: zebra126@gmail.com
Submitted on: 2/8/2011

Comments:

I am writing in support of H.B. 1407, not as an adoptee, but as a friend of one of the "Chosen ones"; as I like to call them . From knowing her, I know how important family, OHANA, is to her. She loves the parents who chose her, but she still longs, and needs, to know more about the family that gave her life. Like an unfinished story, without the right and the ability to get access to her full birth records, there are missing pages and chapters of her story, her OLELO. I know she is not the only adoptee who feels this way. All of Hawaii's, indeed the world's "Hanai" should have the right, if they so choose, to know their Story. I feel this is important to adoptees, both on an emotional and also a PHYSICAL level. I myself have an autoimmune disease, a genetic chromosomal birth defect, and a strong family history of pancreatic cancer. I personally know how important a full medical history of your family is. Many adoptees have little or no medical history in case of a medical issue or emergency. There is no way to know what medical screenings are particularly important for the adoptee to have. Devastating enough for the adoptee, doubly so for a potential CHILD of an adoptee who would be affected by something medical that could have been prevented if the issue was known to exist in the health history ahead of time. What about adoptees that meet someone and fall in love, only to find out too late, that they are actually related?. If full information was forthcoming, these things would not happen. I urge you to pass this bill on behalf of all the stories yet to be told....

Sent: Tuesday, February 08, 2011 5:32 PM
To: HUS testimony
Cc: irevillabls@yahoo.com
Subject: Testimony for HB1407 on 2/10/2011 9:00:00 AM
Attachments: HB1407.docx

Testimony for HUS 2/10/2011 9:00:00 AM HB1407

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Irene Revilla
Organization: Individual
Address: 94304 Lupua Place Mililania HI
Phone: 6233690
E-mail: irevillabls@yahoo.com
Submitted on: 2/8/2011

Comments:

A family member, my husband , was an adoptee in 1946 and when our children were born we had a difficult time accessing his birth records. We needed accurate information to verify his birth origins in order to qualify our children to register and apply for Kamehameha Schools. I would not want others to go through the lengthy process that we encountered. I am in support of HB 1407.

DATE February 10, 2011

TO : Representative Mizuno, Chair
House Committee on Human Services

FR: Melvia Rodrigues, mother of two adult adopted daughters
Kaneohe, Hi

RE : H.B. 1407
Relating to Adoption Records

I am submitting testimony in SUPPORT of H.B. No. 1407

My husband and I were born and raised here. I am native Hawaiian. When we found out we could not have children biologically, we were lucky to adopt two girls, one through an agency, and one through a doctor. Both girls were part Hawaiian.

When our children were still very young, their pediatrician asked me if I planned to inform them about their adoption. I told him we would share with them all the information we were given and help them to get their birth information in any way we could.

We gave our children the information that was given to us by the agency and the attorney. When our oldest daughter started to search for her biological family, we discovered the information that was given to us by the agency was inaccurate. Fortunately our daughter persevered and found out the truth. My youngest daughter passed away before she could find her biological family. Her son, my grandson, wants to know his biological history.

Having access to their adoption records the government keeps sealed would make the search for adoptees much easier. It's not the adoptee's fault for not knowing and having their information. It is the adults that put them in that situation. Knowing their biological parents and their family heritage is the only way for adoptees to feel whole. The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. When family members are disconnected, it ripples through the successive generations until someone has the courage to begin a search.

Choosing to search for members of birth family lost to adoption is not unlike genealogical research conducted by any family. Some of our Hawaiian kupuna had their own way of keeping records. My grand uncle kept his records in his Bible. Whenever a new family member was born, he would record the information in his Bible. My two adopted daughters do not have a Kupuna's Bible to look into to see their genealogy.

Thank you for allowing me to submit this testimony. Please consider approving this bill.

George M. Takane
Attorney-at-Law
3233 Pinaoula Street
Honolulu, Hawaii 96822
Ph. No. (808) 988-4284

Date: February 8, 2011

TO : Representative John Mizuno, Chair
House Committee on Human Services

FR : George and Maile Takane, Honolulu, 96822

RE : H.B. 1407
Relating to Adoption Records

Aloha, my wife and I are respectfully submitting the following in support for the enactment of H.B. 1407, allowing access to sealed adoption records by the interested parties.

We are adoptive parents who support allowing access to sealed adoption records to those who are parties to the adoption.

On a personal note, it wasn't until our daughter was full grown and we were attending a support group, the Adoption Circle of Hawaii, that she revealed her struggles with being adopted. Never really knowing why she was given up has been a source of great pain and adversity. What we learned is that we and all the love we had for her could not replace the loss of her birthparents, her medical history, her genealogy and we could not answer any questions regarding this. The only thing we could do is support her in whatever way possible to reunite her with them so that she could finally get her answers and be able to heal. Luckily with our help, she was reunited with her birth mother and got many of the answers she'd been looking for all her life.

As both an adoptive parent and a lawyer who was once Chief Clerk of the House of Representatives, I find the so-called compelling state interest in withholding information from the adult parties through sealed records is not only archaic but has been detrimental and a great disservice to those seeking their birth origin, especially where information on one's health and ethnic origin are essential but not readily available under current laws. I should know because when my daughter was still a baby, she had a condition that the doctors could not diagnose. It would have incredibly helpful and less stressful as parents to be able to pick up the phone and call her birth family to ask those critical medical and genetic questions. We never did find out what it was she had and were just lucky that it ending up not being life-threatening. So as adoptive parents, it is just as important for us to know and have contact with the birth family.

The enactment of H.B. 1407 will address, ease and remove the anxiety, uncertainty, pain and suffering the current statute is inflicting upon those who wish to have access to their birth records.

Thank you for taking the time to read our testimony and we ask that you please support this bill.

Aloha, George and Maile Takane
(signed)

DATE: February 10, 2011

TO : Representative Mizuno, Chair
House Committee on Human Services

FR : J. Takane, Honolulu 96822

RE : HB 1407
Relating to Adoption Records

Aloha, I am submitting testimony in SUPPORT of HB 1407

I am an adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption.

The myth is that babies adopted at birth or shortly thereafter would not be affected by their relinquishment nor their adoption; that by shielding that child from words like “illegitimate” would prevent them from carrying that stigma, giving them a “clean slate” as they entered their new families, so the sealing and amending of birth certificates began. But what wasn’t realized was that in doing so, shame was still instilled into the adoption process. For only things that are shameful are mired in secrecy and lies, locked behind closed doors. So I grew up, although being told that I was given up out of love, although being adopted by a loving family, feeling ashamed and unwanted nonetheless. For being loved had not kept me from being given up.

Given what I believed about my adoption, it took a certain amount of courage to start the search process. But what I got in return was so much more. I learned that my very conservative Japanese birth mother always believed that when I reached either 18 or 21, I would automatically be given her information. She was never promised confidentiality and could not understand why I would, as an adult, be denied information about myself. I connected with siblings who thought nothing of calling me “sister”. Where once, I had to mark those medical questions with a single answer...adopted, I cheerfully could tell the doctor that liver cancer and diabetes runs in my family. Most other non adopted persons would not feel so happy with this knowledge but the sense of freedom that was given to me by the information I now had about myself can’t even be adequately put into words. The tremendous burden of not knowing was finally lifted, the freedom from the secrecy and lies finally allowed us both to be what we always were, just humans, trying to come to grips with how a single event changed our lives forever.

I am an adult and no longer the “adopted child” in need of protection by a government entity. I, like my non adopted citizens, should have a right to have access to my information for this information doesn’t just impact myself, but any children and future generations I might have. My birth parents are also adults. The government should have no legal interest in shielding them from the choices they made nor should they have any input in deciding whether or not there should be contact. Those are decisions better left to the adults involved.

Before there were such laws governing adoption here in Hawaii, there was the practice of hanai, whereby everything was out in the open. Children never lost access to their information. Birth parents could watch their children grow and answer all their questions and adoptive parents would have that same access to information and support. I've come to believe from my own experiences and that of others, the Hawaiian people had it right.

So to acknowledge the sacrifices and honor the worth of all adoptees, birth parents and adoptive parents who understand that only with truth and full disclosure, we can all be set free, I am determined to continue to work towards helping others to heal and find their own truths.

Mahalo nui loa for taking the time to read my testimony and I hope you will support this bill.

Tuesday, February 8, 2011

TO: Representative John Mizuno
House Committee on Human Services Chair

FR: Jacquelyn Wesolosky

RE: HB1407: Relating to Adoption Records

My testimony is in SUPPORT of HB1407

Aloha. I AM A BIRTHMOTHER. I am saying these words for the first time in a public forum. Until 2008 I said these words to no one. Adoptions are complicated.

I gave birth to my only child in 1966. My son was adopted three days after. I went back to the University and slowly attempted to remade myself. I found a new passion in secondary education. In 1970 I 'adopted' the children of Hawaii. And for 40 years they have been the principal recipient of all of my energy. It has been rewarding and exhilarating.. I was a biology teacher with the State Department of Education. In 2000, I retired from Roosevelt High School. Now I teach kids just for fun, at the Honolulu Academy of Life.

In July 2008 my son and I found each other. Both of us have tried to initiate contact numerous times over a span of 20 years. We found only road blocks from the Church run organization with his adoption record in their files and the State Government with the adoption documents. 'NO ACCESS WAS ALLOWED', they said. There has been anguish and there has been confusion. Clearly, I say, laws or policies which deny adoptees open access to their original identity, medical history, culture, and genetics, need to be eliminated immediately. Secrets and lies have engulfed adoptions in the past and now we are seeing that this has not served anyone well emotionally. Across the country we are slowly passing laws which open the records to adoptees and their birthparents. The healing process has begun. In Hawaii, I believe that we are a most sensitive people and forward thinking..as witnessed by a legislature which champions civil rights. Let us champion the rights of those adoptees born before 1991 and allow them to have the same rights to their adoption documents as the children born after 1991. The trickle down effect will be monumental. Birthparents of these adoptees have also been denied the rights to know their children. We continue to just bury it and try to make the heart break go away. It is shame and fear that have been my mountains in life. It is also clear to me that it has been my students who allowed me to mask both and build bridges so that I could be productive, creative and maybe even significant in their lives. Our adoption laws do not rule as to what is fair and compassionate in life.

They are judgmental as they are presently written because they say who can and cannot know their genetic and cultural identity.

The direct consequences are that the laws imply who is right and who is wrong and who must be protected and from what. All adoptees have equal rights to each other and to all other citizens. It is imperative to strike down any law that says they do not. You as a legislative body have the opportunity to change this situation today.

If I could somehow transform the happiness and goodness and the healing that I progressively feel now that my son and I have been reunited into a beautiful painting to hang in the Honolulu Academy of Art or into a clever play for the Kumu Kahua theater or into a spectacular motion picture that you can watch through netflix....this is what I would give to this honorable body of lawmakers as my testimony. My son's first parents are now in his life-so are his genetic sibs and aunties and uncles and cousins-all in

addition to the family who provided the foundation for his values and his accomplishments...his adoptive family. His identity is now complete. Although I cannot speak for my son, I believe that the energy that he has had to put into making sense of a life that was never a realistic personal picture has often been consuming. So has the paperwork, the time, the disappointments. Now that energy can go into mending. But most importantly it can go into making himself a more effective and productive and energetic member of society, of his community...and isn't this the energy that we as 'the people' need and want to encourage?

I am a member of the Adoption Circle of Hawaii. The support has been invaluable, because truly:

1. The act of adoption has a lifelong impact not only on the immediate parties involved with the adoption but for the generations that follow.
2. The sealing of adoption records by the State government that began in the 1940's and the subsequent amendments...in its present form basically ignores 70 years of academic research and contemporary information sharing as it relates to members of the adoption triad. Once an adopted individual reaches adulthood...the adoption is 'expired' in a sense. Any associated secrecy and lies need to also expire.
3. Finally Hawaii's unique history of "hanai" where birthparents share the parenting of their children with the hanai or adoptive family, should serve as a model-NATIONWIDE. 'Hanai' encourages the acknowledgment of everyones role in raising children and is in contrast to the western approach of keeping secrets and sealing records, 'FOR THE SAKE OF THE CHILDREN.'

Thank you for allowing me to give testimony.
Jacquelyn Wesolsoky

TO : Representative Jon Mizuno, Chair
House Committee on Human Services

FR : Teresa Palmer Williamson

RE : H.B. No. 1407
Relating to Adoption Records

I am submitting testimony in SUPPORT of S.B. No. 1510

I am an unofficial adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption.

I was not technically or legally adopted; however I did grow up in a foster situation and was kept from my birth family. I grew up under a cloud of lies about who I am and where I come from. This led to a lifelong feeling of abandonment, insecurity and distrust that still effects me at age 47. I did not have access to my medical history or the circumstances surrounding my premature birth until well into my 30's. This is also what happens when legal adoptees are not allowed access to their own birth records which would name their birth mother and in some cases their birth father. Every human being should have the legal right to know who they are and where they come from.

The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. When family members are disconnected, it ripples through the successive generations until someone has the courage to begin a search. Choosing to search for members of birth family lost to adoption is not unlike genealogical research conducted by any family.

The sealing of adoption records by state governments that began in the 1940's is an antiquated policy that does not comport with current information sharing practices. Once the adopted individual reaches adulthood, the adoption has "expired" in that there is no compelling state interest in withholding information from the adult parties to the adoption because there is no longer an adopted "child" to protect.

Finally, **Hawaii's unique history with "hanai", where birthparents share the parenting of their children with the hanai (adoptive) family, should serve as a model to promote sharing of information between parties.** Hanai encourages acknowledgment of the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Many local foster placement and

adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest in their native Hawaiian heritage or nor support traditional practice.

Feeling pretty awesome for helping my good friend in her ongoing quest to have Hawaii's adoption records unsealed! Why must we even have to go thru court proceedings to find out who we are and where we come from??? Ridiculous! Don't take for granted knowing who you are and where you come from...some of us didn't grow up with knowledge and have had to fight for it!

DATE: February 10, 2011; 9 am, Room 329

To: Representative John Mizuno, House Human Service Committee Chair
Fr : Linda Wong

Re : H.B. No. 1407 - Relating to Adoption Records

I am submitting testimony in strong SUPPORT of H.B. No. 1407. I am a member of a Neighborhood Board but am not testifying on their behalf. I am a retired member of the Department of Education.

I am an adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption in Hawaii, born after 1981.

I have been looking for my birth family since 1988 without success. I have joined many national and local associations for help to no avail. I feel I deserve to know my medical information and some information concerning my origin. My birth mother's name on legal records is Agnes Amelia Santos. I wish some info could be revealed to me by Catholic Charities or the Courts. I feel there is an ongoing movement that will open all adoption records one day soon so why not start now? There are many birth mothers in our Adoption Circle and I think they understand our unyielding questioning to know something about our medical issues and birth family. Just to know that I look like another would be an accomplishment. It seems like my origin is a big black hole and I am an amputee instead of an adoptee. Please consider these comments as they are the sentiments of many adoptees who have not "found" any part of their birth family. I feel birth and medical information is our birthright.

The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. My niece wants to know my sister's origin as my sister is also "hanai". My niece wants to know for her children and their rights.

The sealing of adoption records by state governments that began in the 1940's is an antiquated policy that does not comport with current information sharing practices.

Finally, Hawaii's unique history with "hanai", where birthparents share the parenting of their children with the hanai (adoptive) family, should model to promote sharing of information. Hanai encourages acknowledgment of the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Many local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest. Thank you for this opportunity to testify.

Linda Wong
3071 Pualei Circle
Honolulu, Hawaii 96815

Sent: Tuesday, February 08, 2011 10:22 AM
To: HUS testimony
Cc: yap@hawaii.edu
Subject: Testimony for HB1407 on 2/10/2011 9:00:00 AM

Testimony for HUS 2/10/2011 9:00:00 AM HB1407

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Allison Yap
Organization: Individual
Address: 3029 Lowrey Ave. F1224 Honolulu, HI
Phone: 808-271-0727
E-mail: yap@hawaii.edu
Submitted on: 2/8/2011

Comments:

As an adopted person who has searched and found her birthmother, I strongly support this bill. It is the right of adoptees to know their origins.

February 10, 2011

TO : Representative John Mizuno, Chair
Committee on Human Services

FR : L.A.J. Young
Honolulu HI 96824

RE : Support for H.B. 1407

Aloha! Please accept this statement of my strong support for H.B. 1407, to allow access to adoption records for parties to the adoption, upon written request, and to allow adoptee's amended birth certificates to include accurate information about their birth family

I was raised by adoptive parents who took me home from the same hospital where my birthmother signed her relinquishment papers. I was blessed to have a loving adoptive family; two parents, one sibling, an extended ohana. However, this could not erase the sadness that grew stronger as I realized that my birthmother had given me away; I could not understand what was so wrong that she couldn't raise me.

As a college freshman, I began a decade-long search that eventually lead me to re-connect with my birthmother and other family members. My search was emotionally challenging and many people did not understand why I needed to do this. Fortunately for me, my adoptive mother was interested in genealogy and she assisted me with my search, even though I know it was difficult for her as well. I believe that the sharing of my search experience strengthened the bond that we share as mother and daughter.

Upon finding her, my birthmother sent an immediate reply to my letter requesting family history, including ethnic, racial, and medical information. Thus began a 20-year relationship that ended in 2009 with her passing at the age of 87. Through my birthmother, I met several cousins with whom I visit regularly, and two uncles (brothers of my birthfather), who have been willing to share information about that side of my birth family.

I also learned that if my birthmother had remained married to my birthfather, I would have been exposed to substance abuse, domestic violence, and poverty that my birthmother was able to escape only after relinquishing me. Sadly for her, while she likely saved our lives, her grief from this difficult decision remained with her throughout her life. In her honor and memory, I remain dedicated to helping triad members heal by providing emotional support and advice to others searching for family members lost due to adoption.

Once an adopted individual reaches adulthood, there is no compelling state interest for the family court to be involved in preventing parties to the adoption from viewing their own family records. The adult parties to the adoption should be allowed to address the consequences of the adoption as adults. Whether they meet (or not), whether they like each other (or not), that should be left to the adults to sort out together (or not).

Further, the state Department of Health should not be required to replace the birthparent's names with the adoptive parent's names as if to erase the facts of one's birth. It's disrespectful to the parties involved in the adoption and does not support sharing of information between birth and adoptive families that is in the best interests of the adopted individual.

Mahalo for taking the time to read my testimony and I hope you will be supportive of this measure.