



THE JUDICIARY, STATE OF HAWAII

Testimony to the House Committee on Judiciary
Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

Wednesday, March 2, 2011, 2:05 p.m.
State Capitol, Conference Room 325

by
Glennard H.B. Fong
Chief Court Administrator, 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.

In Section 1, this bill amends the existing law which currently allows the adoptive/legal parents to include the name of a natural parent in the birth certificate, if the natural parent consents. In the place of this existing consensual and flexible system, this bill mandates that birth certificates include the names of the adoptive parents and the natural parents. Taking away the discretion of the people who best know the child and the circumstances of the adoption is problematic. Even in "open" adoptions, where all the participants know the identity of the other participants, there are many reasons why mandating inclusion of all these names could cause pain to one or more of the participants or to the child.

Rather than specifying that this bill only applies prospectively, Section 2 of this bill deletes all mention of the current process which allows the natural parent or the adopted person to file an affidavit requesting confidentiality. Because citizens should be able to rely on the continuation of legal protections, the court will continue to honor all existing affidavits requesting confidentiality. If the Legislature intends to dishonor these affidavits, the family court respectfully requests that this bill be amended to specifically dishonor these reasonable expectations.

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



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February 10, 2011

TO : Representative Keith-Agaran, 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)



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March 1, 2011

VIA ELECTRONIC TRANSMISSION

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Committee on Judiciary
House of Representatives
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: House Bill 1407 Relating to Adoption Records

Dear Mr. Chairman and Committee Members:

I write as an attorney who practices in the field of adoption law and as a friend and colleague of both adoptees and adoptive parents. I write in opposition to House Bill 1407, not because I do not believe that adoptees should have the right to access information regarding their birth parents (to the contrary, I do), but because I believe that the privacy/confidentiality trade-offs made in HB 1407 in order to ensure said right are unnecessary and ultimately counterproductive to the adoptive process.

HB 1407 raises privacy/confidentiality concerns on behalf of *all* parties to an adoption, some of which are as follows:

- For Adoptees:
 - First, the requirement that both birth and adoptive parents' names appear on the birth certificate will force adoptees to share very private information (i.e., his/her adoptive status) with every individual, entity or institution coming into contact with that birth certificate throughout the adoptee's life, including school administrators, sports leagues, college registrars, potential employers and others. The disclosure of such personal information should be at the will and discretion of the adoptee, not a rote part of ministerial processes.
 - Second, while most adoptees may wonder at some point in their lives about their birth parents, not all will choose to seek them out, and those who do may do so at different ages. In this Internet age, providing birth parents in closed adoptions with access to a birth certificate containing both the adoptive parents' names and the adoptee's adopted name is like providing a Mapquest address to, and Google Earth photo of, the adoptee's residence. While the hope would be that birth parents would handle any attempts at contact with discretion and sensitivity, that

Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Committee on Judiciary
March 1, 2011
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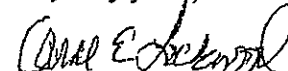
may not always be the case (for instance, where children are adopted following parental abandonment or abuse). In the absence of any third-party intermediary (and, I note, any mandatory waiting period), the intrusion of one or both birth parents into an adoptee's life when he/she is not sufficiently mature or otherwise prepared to handle it, could be confusing, disruptive and emotionally devastating.

- For Adoptive Parents: At least during a child's minority, adoptive parents should be entitled to exercise discretion in determining, based on their individual child's maturity, intellect, emotional stability and other relevant factors, when to share with their child the fact of his or her adoption.¹ The inclusion of the birth parents on the birth certificate, disseminated as described above, arguably increases the risk of accidental disclosure by third parties (or discovery by the child him/herself) before they have a chance to do so, to the substantial detriment of the child.
- For Birth Parents: The requirement that one or more birth parent names be included on the adoptee's birth certificate effectively precludes the long-standing practice of confidential adoption. The decision of a birth parent to place a child for adoption is often excruciatingly difficult, and the prospect of public exposure and disapproval unbearable. While I believe adoptees should be entitled to information about their birth parents upon the attainment of their majority, I believe the requirement of immediate disclosure is unnecessary and will result in more potential birth mothers electing to terminate their pregnancies or perhaps even abandon their babies.

In sum, HB 1407, in pursuing a legitimate objective, goes too far. While I agree that adoptees should be entitled, as a matter of law, to obtain access to their adoption records (including the identity of their birth parents, with very limited exceptions) as of the age of 18, I do not believe that right has to come at the expense of the critical privacy concerns of all parties involved.

Please do not hesitate to contact me should you have any questions regarding the foregoing.

Very truly yours,


Carol E. Lockwood

¹ While I tend personally to favor early disclosure (if not complete transparency), I recognize that circumstances may exist where adoptive parents decide, out of loving concern, that later disclosure is in the best interest of their particular child.

**TESTIMONY IN OPPOSITION TO HOUSE BILL 1407,
A BILL FOR AN ACT RELATING TO ADOPTION RECORDS**

**Frederick W. Rohlfing III, Esq.
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Honolulu, Hawaii 96813
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**HOUSE COMMITTEE ON JUDICIARY AND GOVERNMENT
OPERATIONS**

**Gilbert S.C. Keith-Agaran, Chair
Karl Rhoads, Vice Chair**

**Wednesday, March 2, 2011
2:05 p.m., House Conference Room 325**

Good afternoon, Chair Keith-Agaran and Vice Chair Rhoads and Members of the Committee.

Thank you for the opportunity to testify. I oppose the passage of HB 1407.

I am an attorney in private practice. As an attorney, I have assisted several adoptive parents with adoptions.

HB 1407 would:

1. Require that the names of the natural parents be included in the new birth certificate for the adopted child. See Section 1 amending HRS § 578-14. Currently, the natural parents are not included in the new birth certificate unless the adoptive parents request that the names of the natural parents appear on the new birth certificate.

2. Eliminate the requirement that the natural parents or the adoptive child first show “good cause” to the Family Court before being allowed to inspect the Family Court’s sealed adoption records. See Section 2 amending HRS § 578-15(b)(1).

3. Eliminate the current right and privilege of natural parents to maintain their anonymity after the adopted child attains the age of eighteen. See Section 2 amending HRS § 578-15(b)(3).

These changes will eliminate the option currently available to the natural parents of an adoptive child of remaining anonymous to the child. This will inevitably discourage natural parents who desire anonymity from putting their child up for adoption in the first place, thereby reducing the number of children available for adoption. It is difficult to understand why this Honorable Committee would want to discourage adoptions from taking place by recommending passage of HB 1407.

I therefore ask this committee vote to defer HB 1407.

Thank you.

DATE February 26, 2011

TO : Representative Keith-Agaran, Chair of the Judiciary Committee
HearingDate :3/2/2011,2 :05pm

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.

Elizabeth J. Samuels
Professor of Law
University of Baltimore School of Law
1420 North Charles Street
Baltimore, MD 21201-5779
March 1, 2011

Representative Gil Keith-Agaran
Chair, Judiciary Committee
House of Representatives
Hawaii State Legislature
<http://www.capitol.hawaii.gov/emailtestimony/>

RE: HB 1407

Dear Representative Keith Agaran and Members of the Judiciary Committee,

Thank you for the opportunity to provide testimony in connection with this bill.

I am a professor at the University of Baltimore School of Law, where I teach courses in the areas of constitutional law and family law. I have conducted extensive research on the legal history of adoption records and have published the first and only comprehensive article about this little known legal history. *The Idea of Adoption: An Inquiry into the History of Adult Adoptee Access to Birth Records*, 53 Rutgers L. Rev. 367-437 (2001).¹ I append an "Op-Ed" piece summarizing this work, which appeared in *The Washington Post*.

I am writing the Committee to offer brief comments about this legal history, history that I hope the Committee will bear in mind and that I believe provides very strong support for legislation that provides adult adoptees with access to their records.

When adoption records around the United States were closed to inspection by the parties to the adoption as well as to the public, they were closed to protect adoptive families both from public scrutiny and from possible interference or harassment by birth parents, *not* to protect birth parents. Adoption laws have not provided birth parents with a guarantee of lifelong anonymity. As a governor's commission in my state found in 1980, lifelong anonymity was not offered to birth mothers; it was imposed upon them. The birthmother "had no choice about future contact with her relinquished child;" "[s]ecrecy was not offered her, it was *required* . . . as a condition of the adoption." The commission recommended that the legislature restore adult adoptees' right to access original birth certificates.

In the 1940s and 1950s, adoption and vital statistics experts advised states to make adoption court records and original birth certificates generally available only by court order, but to keep original birth records available on demand for adult adoptees. This was the recommendation of the first Uniform Adoption Act, promulgated in 1953. The position of the United States Children's Bureau also was that an adopted adult has a "right to know who he is and who his people were."

¹ Downloadable copy at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=275730.

Despite the experts' recommendations, many states did begin to close original birth certificates to adult adoptees as well as to all other persons. By 1960, 28 states had done so, although in several of those states court records remained available after that date for adult adoptees. And even in the states in which access to both court and birth records became available only by court order, the reason given for closed records to the parties was the need to protect adoptive families from birth parents, not to protect the privacy of birth parents.

Of the many states that in 1960 did still recognize adult adoptees' right to original birth certificates on demand, four states closed the original birth records in the 1960s, six states closed them in the 1970s, and seven more did so only after 1979. (Since 1990, when Alabama closed these records, Alabama, Maine, New Hampshire, Oregon, and Tennessee have restored adult adoptees' unqualified access on demand. Delaware and, in new legislation, Illinois provide access for most adult adoptees.) In Alaska and Kansas, these records have never been closed, remaining available on demand for adult adoptees.

In any event, the laws sealing court and birth records have never guaranteed lifelong anonymity for birth parents. In every state, for all or for almost all of the 20th Century, adoption records have been accessible by court order without notice to or participation by birth parents. It has typically been up to the adoptive parents, not the birth parents, whether to change the child's name and have a new birth certificate issued. In many adoptions, adoptive parents' lawyers and the adoptive parents have documents that include the child's original surname or that identify the birth mother.

Further evidence of this history can be found in the surrender documents, which I am currently collecting and writing about, that birth mothers signed to relinquish their parental rights. In more than 65 documents from 26 states, executed between the late 1930s and 1990, there are no promises to the birth mother regarding confidentiality or secrecy, or even promises that the child will be successfully adopted rather than kept in long-term foster care or institutionalized. But in more than a third of the documents, the *birth mother* promises *she* will not seek information about the child or interfere with the adoptive family.

During the years that states began closing birth records to adult adoptees, did birth mothers seek to keep their identities forever unknown to their children? The evidence from my research is that birth mothers who sought confidentiality sought to conceal their pregnancies from their parents, or from other members of their communities, rather than to conceal their identities forever from their children or to foreclose for themselves any chance of learning how their children would fare in life.

This account of the reasons for closing records to the parties to adoption is consistent with what studies and surveys conducted since the 1980s have shown about the attitude of birth mothers toward providing adult adoptees with access to birth records. They show that overwhelmingly large majorities of them do not oppose, approve of, or actively support adult adoptee access to original birth certificates. Many adult adoptees spend years, and considerable sums of money, searching for information about their original identity. While many adoptees are

successful in these searches, many others remain unsuccessful and frustrated because they lack access to their original birth certificates.

The historical account I have provided here is also consistent with today's domestic infant adoption practices as well as data regarding rates of abortion and adoption. In adoptions today, openness is the norm and birth parents are generally more willing to place their children for adoption when they are able to have a degree of openness in the adoption arrangements. Similarly, in states that have access to records for adult adoptees, there is no evidence of higher abortion rates or lower adoption rates -- and there is some evidence of the opposite effects.

Importantly, states systems in which adult adoptees have access to their original birth certificates have been and continue to operate successfully, including in states in which records have always been open and in states in which formerly closed records have been opened to adult adoptees.

The Washington Post, Sunday, October 21, 2001

**How Adoption in America Grew Secret;
Birth Records Weren't Closed for the Reasons You Might Think**

Elizabeth J. Samuels

They've become a standard of news features, magazine articles and movie plots: the stories of men and women, adopted at birth, who decide to seek out their biological parents. The urge for reunion seems so elemental that a plethora of organizations has sprung up to assist adoptees in their search. Today, the Internet is replete with Web sites offering registries to help adoptees and their birth families find each other by matching up information such as dates and places of birth.

But many adoptees "in search" are not able to find information through these organizations or official state registry systems. Their only hope is access to original records, such as their unamended birth certificates. And this, unfortunately, is a source of information that remains largely closed to them, even though, as studies now show, most birth parents are open to being found.

In fact, most birth parents may never have objected. The general public assumption seems to be that, from the beginning, adoption records were closed in large part to protect the birth mother's identity. But that isn't the case at all -- as I discovered when I undertook to research a question arising from my own family's experience. The child my sister had surrendered for adoption was able to locate us in the late 1980s because my sister had given birth in England, where records have been open to adult adoptees since 1975.

As I saw what profound satisfaction mother and daughter experienced getting to know each other, I began to wonder why almost every U.S. state had decided to close records to the adult children of adoption in the first place. What I found surprised me.

Legal adoption in America only came into being starting in the second half of the 19th century, and at first all adoption records were open to the public. When they began to be closed, it was only to the general public, and the intent was to protect adoptees from public scrutiny of the circumstances of their birth. Later, as states began to close records to the parties themselves, they did so not to provide lifelong

anonymity for birth mothers, but the other way around -- to protect adoptive families from possible interference or harassment by birth parents.

One of the most prominent actors in the development of adoption law in the mid-20th century was the Children's Bureau, an arm first of the U.S. Department of Labor and later of the Department of Health, Education and Welfare. In the 1940s and '50s, the bureau advised that birth and adoptive parents who did not know one another should not have access to information about each other. But it also said that original birth certificates should be available to adult adoptees. As one of the bureau's consultants put it in 1946, "every person has a right to know who he is and who his people were."

In the '40s and '50s, most state laws did permit adult adoptees to view their birth records. But by 1960, 26 states were making both original birth records and adoption court records available only by court order. Twenty other states still made the birth records available on demand, but over the following 30 years, all those states but three -- Alaska, Kansas and South Dakota -- closed records to adult adoptees.

Why were states closing their records even before 1960, when the reasons being advanced were all about protecting adoptive families, and not birth parents? The historical record suggests that birth mothers were in fact seeking a measure of confidentiality. What the mothers wanted, however, was not to prevent the adoptive parents and the children they had surrendered from discovering their identities, but to prevent their families and communities from learning of their situations. A powerful reason for the earliest closings of birth records to adult adoptees may simply have been that it was consistent with an emerging social idea about adoption: that it was a perfect and complete substitute for creating a family by childbirth, so the adopted child had no other family and would never be interested in learning about any other family.

Once most states sealed records for everyone except adult adoptees -- and many states foreclosed access even to them -- the record-sealing laws themselves may have helped foster the notion that lifelong secrecy is an essential feature of adoption. Adult adoptees increasingly felt discouraged from seeking information about their birth families, and those who did were viewed as maladjusted. By the 1970s, legal comments and court opinions started to talk about the reason for permanently sealed records in terms of birth parents' rights to lifelong anonymity. And states continued to pass laws foreclosing adult adoptees' access to birth records.

Since the adoptees' rights movements began in the 1970s, it has encountered stiff opposition to its efforts to win legal access to birth records. Only in the past six years have adoptees won an unqualified right to view records in three states -- Tennessee, Oregon and Alabama [since the article was published New Hampshire and Maine have opened records, and Illinois is opening almost all records]. Also, Delaware [has made] records available if birth parents have not filed an objection. Around the country, legislatures are considering similar laws, but these are exceedingly limited gains for a movement nearly 30 years old.

Recently, celebrating Family History Month, Sen. Orrin G. Hatch encouraged Americans to "find out more about where they came from" because "researching ancestry is a very important component of identity." As more state legislatures contemplate giving adult adoptees the right to research their ancestry, they should understand that once it was considered entirely natural and desirable to let adoptees learn who their people were.

Elizabeth Samuels is a professor at the University of Baltimore School of Law.



LINDA E.F. LACH, ATTORNEY AT LAW

February 28, 2011

Re: HB 1407 - Amendments to Hawaii's Adoption Records Law

Aloha:

I wish to state my strong opposition to this Bill as written.

There are two distinct issues that are being treated together, and I don't believe they can be or should be. They have very different consequences.

I am an adoption attorney, and have been for over 26 years, first in California and since 1995 in Hawaii. In that time I have had the privilege of working with over one thousand adoptive families and birth families. The issue that unites them all is not just adoption, but also their dissimilarity.

To address the issue of the name of the birth parent(s) on the child's birth certificate, I believe there may be Constitutional privacy issues not fully considered by the Legislature. It is not every birth parent who wishes to have the event of a birth memorialized in the public records regardless of the circumstances of that birth. Suppose the birth was the result of rape, or incest, or marital infidelity? Suppose a minor made an adoption plan without the knowledge of her parents, as Hawaii law allows. Is that record now to be a public record, to follow the unfortunate birth parent forever, where heretofore it was sealed, and she had some peace in knowing that it would not see the light of day once the adoption of her child was final? Even if the birth was just the result of a youthful indiscretion (or one not so youthful), what is the point of subjecting a woman to the fear of exposure of her private information forever, whatever path her life may take after the birth and adoption of her child? The judgments you are making are, in my opinion, invasive and unfair to the birth parent.

The child is also unfairly treated by this provision - a child is entitled to know that he or she has one family, a place in the world, and an identity. It is not for this Legislature to determine that from the moment a child is born, or enters school, and the birth certificate is presented, that the world know everything there is to know about the child's birth. That is information for the adoptive parents to share, in their own time, in their own way. The child's privacy is invaded in the most fundamental way - by the State - and without any

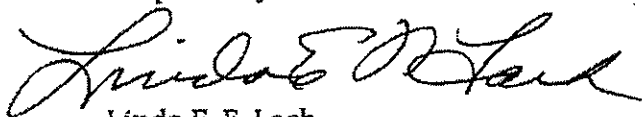
good reason to do so. There can be amendments to the adoption records laws which address the concerns of adult adoptees without this harsh intrusion into the privacy of ALL parties to the adoption triad.

The adopting family is also being ill-treated by this Bill - they should be entitled to begin or add to their family without the State telling them that they must advertise to the world not only that their child is adopted, but from whom! Sharing information about a birth parent, IF the birth parent has chosen to share it with the adopting family, should be up to the parents - the legal parents, the adopting parents - a child can only be raised by one set of parents, and the State is trying to take away a fundamental right of parenthood with this Bill. I believe its ramifications have not been considered, and I doubt its constitutionality.

With regard to the requirement that ALL records be opened, even from years many past, I am almost without words. Suppose your grandmother, auntie or your mother was forced to place a baby in the 1950's or 1960's, because THERE WERE NO OTHER OPTIONS. She went on to marry, maybe start a career, then have a family - and because of the shame she felt, she never told anyone, not even her husband. Are you now going to REQUIRE her to face that, when she has closed that door, and been led to believe, by the State, that it would never be opened? Do you have that right? Do you have the right to force adoptees to learn they were adopted, when perhaps the circumstances of their births were unfortunate enough that their adoptive parents chose not to share that information?

Please, ladies and gentlemen, consider the ramifications of what you do. You are dealing with peoples' lives in the most fundamental way. Please do not pass this Bill.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda E. F. Lach". The signature is fluid and cursive, with the first name being the most prominent.

Linda E. F. Lach

Attorney at Law

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 2:34 PM

To: JUDtestimony

Cc: sagostinelli@hawaii.rr.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Sue Agostinelli

Organization: Individual

Address:

Phone:

E-mail: sagostinelli@hawaii.rr.com

Submitted on: 2/28/2011

Comments:

I am a birthparent who supports open adoption records and I believe that adoptees have a right to know their medical, genetic and genealogical history

DATE February 26, 2011

TO : Representative Keith-Agaran, Chair of the Judiciary Committee
Hearing Date : 3/2/2011 2 :05 pm

FR: Alton Castillo, ex-husband 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 an ex-husband of an adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption.

My ex-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: March 3, 2011; 2:05 pm, Room 325

To: Representative Keith-Agaran, Chair
Senate Committee on Human Services

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.

Testimony in Favor of HB 1407

When a child is brought into the world, either the mother or both biological parents have the option to give it up for adoption. Traditionally, we think 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. One can 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 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. For this reason it has always been a mistake to permit biological parents to divest themselves of all of their responsibilities; in particular, 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 rebuff efforts by their adult sons or daughters 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 Senate should pass SB1510, acknowledging that all who bring babies into the world, later giving them up, will retain certain enduring and inalienable obligations toward them.

Kenneth Kipnis
Professor of Philosophy
University of Hawai'i at Manoa

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

Date: March 2, 2011

TO : Representative Keith-Agaran, Chair
Representative Karl, Rhoads, Vice-Chair
House Judiciary Committee

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)

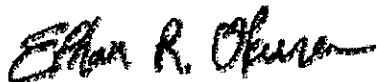
February 28, 2011

To whom it may concern:

I oppose HB 1407. My sister is a birthparent who placed a child for adoption. Her adoption was very confidential. She was able to move forward in her life without stigma, and without judgment by others. Privacy on these matters is very important to most people. I know several women who would not have gone through the proper channels of the adoption process if privacy were forbidden to them. A major concern I have here is that unwed mothers and victims of rape who do not believe in abortion will have their children out of the hospital in an unsafe manner and illegally place the child with an "adoptive parent". Essentially, it will create a PERVERSE incentive to aid the black market for adoptions.

It would be a crime of privacy to mandate that birthparents' names be on the birth certificate without their permission. Please do not pass this law.

Regards,

A handwritten signature in black ink that reads "Ethan R. Okura". The signature is written in a cursive, slightly slanted style.

Ethan R. Okura, Esq.

1314 S King St Ste 760
Honolulu, HI 96814
808-593-8885

DATE: March 2, 2011; Rm. 305, 2 pm

TO : Representative Keith Agaran; Judiciary 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.

February 28, 2011

MEMORANDUM

TO: The Honorable Gilbert S. C. Keith-Agaran, Chair
Committee on Judiciary

FROM: Harry and Doreen Akamine

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

Hearing: Wednesday, March 2, 2011; 2:05 p.m.
Conference Room 325, 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 for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:27 PM

To: JUDtestimony

Cc: shell@svskylan.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Michelle Alberdi

Organization: Individual

Address:

Phone:

E-mail: shell@svskylan.net

Submitted on: 3/1/2011

Comments:

I am opposed to this bill because it has the potential to break the bond of trust that must exist between a birth mother and father and the adoptive parents in order for this delicate exchange to take place. Very often the birth mother and birth father are looking for a fresh start in their lives, free from the entanglements of past mistakes and missteps. To have their names attached (against their wishes) to a child that they are willing to give completely and wholly to a couple wanting that child, will inevitably result in the loss of that trust which is crucial. I believe this is a choice that should be left with the individual and not legislated by the state. I was an unwed mother at one time and as such this is a topic that is near and dear to my heart. While I chose to keep my child, I know without a doubt that had I been forced to disclose my name and the name of my daughter's birth father, my decision to place her for adoption would have been made unnecessarily more difficult and fraught with much greater fear. Please reconsider your bill to legislate a decision which ought to reside with the individual--the one(s) who would be affected so deeply and personally.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 12:45 PM

To: JUDtestimony

Cc: spchic4ever@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Cindy Anderson
Organization: Individual
Address:
Phone:
E-mail: spchic4ever@yahoo.com
Submitted on: 3/1/2011

Comments:

I whole heartedly oppose this bill. It totally takes away the rights of birth mothers to have anonymity when they give a child up for adoption. Giving a child up for adoption is a very hard choice for any woman to make and not giving her the chance to do it anonymously is completely against her rights. She should have that option. If we are giving women the right to completely terminate a pregnancy then how is the right to be anonymous in there adoption any different. I hope you will take this in to consideration when looking at passing this bill. THank you for your time.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 9:30 AM

To: JUDtestimony'

Cc: davelynaniu@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Davelyn Aniu

Organization: Individual

Address:

Phone:

E-mail: davelynaniu@yahoo.com

Submitted on: 3/1/2011

Comments:

I oppose HB 1407. I am an adoptive parent of two children who are mine in every way. It will tear apart birth parents and their families. It will also open a big can of worms. Birthparents wants to be kept a secret. I strongly oppose.....

*Testimony in support of HB1407 RE: Open
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 both within the United States and in many other countries. 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 help change Hawaii State laws relating to adoption records and help thousands of people become 'whole' again. Denying adult adoptees their birth information raises significant civil rights concerns, since all other Americans have access to their information.

Over three decades of research on adoption debunks the myths which have surrounded adoption in recent history. This research overwhelmingly suggests that the majority of birth mothers DO NOT want to be anonymous to their own children and that the various countries and states that have open adoption records have not reported the purported problems (myths) from adopted adults having access to their birth information. The non-legally binding promises of privacy to the few cannot be allowed to supercede the ethical and civil rights of the majority. In almost all countries outside the United States (certain Provinces in Canada opened records in 2009), adoptees have access to their records when they reach the age of majority. Furthermore, in Belgium, Holland, Sweden, Australia, and New Zealand, the governments have gone to great lengths to stop the separation of mother and child because they know the separation devastates both lives.

To quote the Hon. Wade Weatherford, S. Carolina Circuit Court Judge, "The law must be consistent with life. It cannot and should not ignore broad historical currents of history. Mankind is possessed of no greater urge than to understand the age old questions: 'Who am I?' and 'Why am I?' Even now, the sands and ashes of continents are being sifted to find where we made our first steps as humankind. Religions often include ancestor worship in one way or another. For many the future is blind without the sight of the past. Those emotional anxieties that generate our thirst to know the past are not superficial or whimsical. They are real and they are 'good cause' under the law and God."

Respectfully Submitted,
Gina Bailey, Ph.D.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:28 PM

To: JUDtestimony

Cc: ntoddbailey@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: comments only

Testifier will be present: No

Submitted by: Nicole Bailey

Organization: Individual

Address:

Phone:

E-mail: ntoddbailey@gmail.com

Submitted on: 3/1/2011

Comments:

I am writing in support of the people who are trying to stop this bill from going into law. I am the adoptive parent of a child whose birthparents live in Hawaii. I oppose any requirements that will jeopardize their right to confidential treatment of their information (names, records, etc.) Giving your child up for adoption is a big decision and a great gift to adoptive parents -- but it is not something that should be mandated in a public way. Let the birth parents decide if/how/when they share their confidential information -- do not take the choice away from them. Please do not pass this law.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 8:56 PM

To: JUDtestimony

Cc: holidaysecret@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Smart Bart

Organization: Individual

Address:

Phone:

E-mail: holidaysecret@hotmail.com

Submitted on: 2/28/2011

Comments:

I strongly oppose HB 1407. Please realize that this could have some serious negative effects on many families and parties.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:15 PM

To: JUDtestimony

Cc: cindy@surfingthenations.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Cindy Bauer
Organization: Individual
Address:
Phone:
E-mail: cindy@surfingthenations.com
Submitted on: 3/1/2011

Comments:

Aloha Committee Members,

I oppose HB 1407.

Adoption - the word bring many thought and ideas to mind. I wish I had been adopted into a loving family that the step father would not beat me, where I would have felt loved and secure. But that did not happen.

The most beautiful thoughts that the word adoption and the act of bring to me is my beautiful grandson who my daughter adopted and brought into our lives when he was two and half. He was suffering malnutrition with food insecurities. He was afraid to take the banana out of his mouth when given to him. He would hold pockets of food in his checks. All this at two years of age. To list everything that he had been exposed to and lived through in his short life is heart breaking. There would be no reason to have him connected in anyway to that mess especially when it is his biological parents. Knowing his parents has a potential of completely messing him up especially during his formative years!

Do not pass a bill that could mess up other families and individuals lives. If the adopted adult was to know his birth parents and he is able to handle all that means, that is a different story then an young person that is having a touch week finding a biological parent that could talk him/her down the wrong path. This would also threaten the authority of the adoptive parents. It is wrong. Bill 1407 should not even be considered.

Respectably submitted,
Cindy Bauer

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 10:31 AM

To: JUDtestimony

Cc: bauer11@hawaiiantel.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Michele Jane Bauer

Organization: Individual

Address:

Phone:

E-mail: bauer11@hawaiiantel.net

Submitted on: 3/1/2011

Comments:

I strongly oppose measure HB 1407 as it clearly would present more harm than good if passed. It certainly would remove rights of privacy to birth parents in adoptive cases. Birth parents should have the right to remain confidential if they desire-- including not having their names on the birth certificate of the child being placed for adoption. I can see many serious issues coming about if this bill is passed. Please do not pass HB 1407!

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 7:06 PM

To: JUDtestimony

Cc: dave@ohanasoftware.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: David Beadle

Organization: Individual

Address:

Phone:

E-mail: dave@ohanasoftware.com

Submitted on: 2/28/2011

Comments:

I have two adopted children, and we are close to the birth mom. It was an open adoption by choice. The key word here is choice. There are times where it is better for the health of the child to have a closed adoption, other times the birth parents don't want to be known. This is a hard enough choice for birth parents to make, lets not make it harder by removing their rights. If they want a closed adoption or if its better for the child to be adopted lets allow them that flexibility.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 9:19 AM

To: JUDtestimony

Cc: jeanette808@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Jeanette Beadle

Organization: Individual

Address:

Phone:

E-mail: jeanette808@gmail.com

Submitted on: 3/1/2011

Comments:

Aloha,

I am the adoptive mother of 2 children. I love their birth mother dearly. Together with her we have chosen a very open adoption. She is an extension of our own family. She made such an extraordinary sacrifice for her children. I have another friend who is a birthmother and chose to keep her adoption closed. She was young and wanted to "start over" but did not want to abort the pregnancy. By passing this bill it makes abortion the only way to move forward with your life with no ties to the pregnancy. Please do not take away the confidentiality in the adoption process. They are both amazing wonderful women. I oppose this bill because it takes away the freedoms of these women. They should have a choice. Please do not pass HB 1407..

Mahalo, Jeanette

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 12:11 PM

To: JUDtestimony

Cc: geoffrey@youractivelife.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Geoffrey Bolton
Organization: Individual
Address:
Phone:
E-mail: geoffrey@youractivelife.net
Submitted on: 3/1/2011

Comments:

Aloha Members of the Judiciary Committee,

I write in opposition to HB 1407.

I have an adopted daughter whose mother abandoned her when she was only 18 months old in Arusha, Tanzania. Her mother chose to be excluded from my daughters life because she could not or would not take responsibility for her. In effect, my daughters birth mother chose anonymity when she gave up her baby girl. If passed, House Bill 1407 will remove the right to anonymity for all mothers that have chosen to give their children up for adoption.

I understand that at times information, especially medical information, is desired and needed from birthparents. As I understand, at this time, if a request for birthparents' names is made to the Family Court, the law DOES allow for a court approved agent to look for the birthparent and ask them if they want to have their names given out. If they don't, they can sign an affidavit requesting confidentiality. If they want to be connected with the other parties, their name is given out. With House Bill 1407, birthparents would have no choice concerning confidentiality. Most girls appreciate their right to privacy and anonymity, and many would likely shy away from adoption if that right to privacy was taken away. They may revert to abortion as a desperate measure or even abandon their babies.

I strongly oppose HB 1407. It completely removes confidentiality and privacy for birthparents. They should be given the right to keep their records closed if they CHOOSE to. Please vote to defer this bill.

Mahalo,

Geoffrey Bolton
Honolulu, HI
(808) 285-7861

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 3:13 PM

To: JUDtestimony

Cc: aigoossi@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: comments only

Testifier will be present: Yes

Submitted by: Yoon Bok-dong

Organization: Korean Adoptees of Hawaii, Inc. (KAHI)

Address:

Phone:

E-mail: aigoossi@gmail.com

Submitted on: 2/28/2011

Comments:

I am in support of changing adoption law(s) that prohibit an adoptee from getting free access to their record(s) in order to search for their birthparent(s).

An adoptee should not have to wait until they are of age or to get consent from either adoptive parent(s) or birth parent(s).

I believe it is an inherent right for someone who has been sent to a orphanage and then to be sold on the auction block (i.e. by adoption agencies, etc.) be allowed the dignity to search for their birthparent(s) without hinderance wether it be through legal matter or otherwise.

I have had to wait many years, since my birth (during Korea War), to be able to search for my birthparent(s). I am 58 yrstd old going on 59 years in April and have little time to find my birthparent(s). I do not want that to happen to anyone else who may be searching, also.

Please allow all adoption records to be opened so that adoptee may have free access to find their birthparent(s).

Kamsnida / Mahalo / Thank You

COREA IS ONE!

Yoon Bok-dong
aka Andre Hall
P.O. Box 1179
Honolulu, HI
96807-1179
(808) 351-7759

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 8:01 AM

To: JUDtestimony

Cc: realkrystal@comcast.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Krystal Boyack
Organization: Individual
Address:
Phone:
E-mail: realkrystal@comcast.net
Submitted on: 3/1/2011

Comments:

As an adoptive parent of two and a birth grandmother of one, I strongly oppose this legislation. When force is applied to such a personal and private matter, there are often poor consequences. Privacy ensures that better choices can be made, the innocent are protected, and lives can be healed and renewed from earlier poor choices. Having a birth certificate with our names as the parents is a source of security to our children even though they as adults have met their birth mothers.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 7:18 PM

To: JUDtestimony

Cc: brittneyroy808@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Brittney

Organization: Individual

Address:

Phone:

E-mail: brittneyroy808@gmail.com

Submitted on: 2/28/2011

Comments:

I strongly oppose HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they choose to. Their names should not be on the birth certificate of the child they have placed for adoption...

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 4:35 PM

To: JUDtestimony

Cc: kimberlb2001@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Kimberly Brothers
Organization: Individual
Address:
Phone:
E-mail: kimberlb2001@yahoo.com
Submitted on: 2/28/2011

Comments:

Dear Legislator,
I strongly oppose HB 1407. I am an adoptive parent of two children who are mine in every way. My husband and I love their birthparents very much. One of our birth mothers is extremely private and would probably not have placed the child for adoption if there was any public record that could come back to expose her. She loves our son immensely but only 3 other people in her family knew of her pregnancy and she is fiercely private about her personal life. The birth father wanted nothing to do with a baby and flatly told her to abort him. If she didn't have a confidential alternative to his unthinkable proposal, she seriously may have done so.

We would not want the birthparents to have to have their names on our children's birth certificates if they do not want it there. It should be a choice for those involved - not a mandated requirement. If anything, they should be able to give written permission to have their names put on the birth certificate.

We are legally and physically the mother and father to both of our adopted children and have gone through quite an extensive and often painful ordeal to achieve that status. Parenting is a sensitive issue for many women in my situation who are unable to bear children of our own and the idea of having to share that title on the birth certificate after all we have gone through to become parents and assume the role of loving those children unconditionally as our own is unacceptable. Passing this bill would be giving equal footing to individuals who are important to our family but bear no further legal contribution to our children's lives.

When and IF our children are ready for and want to seek out their birth parents, I would support them in that decision but that is a decision that should be left up to us as a family. Please do not take away our rights as parents and as birth parents to protect the identity of our families. Please do not support HB 1407.

Mahalo,
Kimberly Brothers
Kahuku, HI

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 11:13 AM

To: JUDtestimony

Cc: hapuai2000@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Ramond Brothers
Organization: Individual
Address:
Phone:
E-mail: hapuai2000@yahoo.com
Submitted on: 3/1/2011

Comments:

Aloha,

I strongly oppose HB1407. I adopted 1 girl and 1 boy when they were only few days old. Our adoption is totally open, meaning that we have constant contact with both birth mothers. The birth fathers don't want to do deal with us. 1 birth father wanted to abort but the birth mother was strong and decided that it wasn't a solution and she decided to give her child for adoption because she was very young back then. We were lucky enough to be chosen to adopt our boy and I wanted to thank the birth mother for the sacrifice she made. What this story had to do with HB1407? That birth mother wants her privacy, she doesn't want to have her name in the birth certificate and made this record public. She already felt sorry for her mistake when she was with an abusive boyfriend who wanted her to get an abortion. She doesn't want to re-live that experience again because of public record. Are you trying to punish her? She already moved on with her life and she knows her boundary. We tried to send her some pictures, emails, videos and update our blogs. I know she made a big sacrifice already by giving her child for adoption, but she wants to remain anonymous and that's her choice.

The other birth mother with our daughter is very open. We visited her last year and my daughter know her birth mother very well. We spend some quality time with the birth mother and she showed that she loved our daughter still. This is totally normal, my wife and I still want to have personal relationship with the birth mother. But we also know that we are now the parents of our boy and girl. They are everything for us. I will always love them, and protect them. There's no need to have 4 parents on a birth certificate. I am not sure what is the goal for HB1407? Unless you truly have children you adopted, you will then understand why.

Both birth mothers are already separated from their abusive relations. They were not married and they were only in their 20's. My wife and I are not hiding that our children were adopted. We tell them often they were adopted. Our children understand that, but they know that we are their parents now. We often meet with other adoptive parents and our children played with other adoptive children. It's so much fun to see many adoptive children here in Hawaii. As far as I know, I talked to these adoptive parents and they are all against HB1407.

Mahalo for reading my comments and thank you for your time.

Ramond

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:19 PM

To: JUDtestimony

Cc: kitefriend@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Emily Cannon

Organization: Individual

Address:

Phone:

E-mail: kitefriend@yahoo.com

Submitted on: 3/1/2011

Comments:

I strongly oppose HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they choose to. Their names should not be on the birth certificate of the child they have placed for adoption (without written consent) in order to prevent mothers from turning to abortion rather than adopt.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:54 AM

To: JUDtestimony

Cc: stacey@staceycannon.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Stacey Cannon
Organization: Individual
Address:
Phone:
E-mail: stacey@staceycannon.com
Submitted on: 3/1/2011

Comments:

Aloha Members of the Judiciary Committee,

I write in opposition to HB 1407.

We adopted both of our daughters when they were just days old. We love them with all our hearts and souls. We also love their birthparents dearly. We are amazed by their strength of character, courage to place their babies in a good family, and their deep love for their daughters. We have a very open relationship with them. We are 'Ohana. I am not opposed to their names being placed on the birth certificate. HOWEVER, I DO NOT believe their right to choose confidentiality should be taken away. Together we've chosen an open adoption, which I truly feel can be a great blessing to all parties involved, but I also understand there are different circumstances and those individuals who want or NEED their information to be kept confidential. For example, one of my family members placed a baby when she was 16 years old. Her boyfriend was very abusive, threatened bodily harm to her and the baby, and was placed under a restraining order. Her identity was kept confidential for the safety of her and the baby. To force open her records would not only place her in an awkward situation with the current family she is raising, but could also place her in physical danger. It would be an invasion of privacy to mandate that her name, and all birthparents' names, be placed on the birth certificate without their permission. Please do not pass this law.

I recognize that there are times when information, especially medical information is desired and needed from birthparents. As I understand, at this time, if a request for birthparents' names is made to the Family Court, the law DOES allow for a court approved agent to look for the birthparent and ask them if they want to have their names given out. If they don't, they can sign an affidavit requesting confidentiality. If they want to be connected with the other parties, their name is given out. With House Bill 1407, birthparents would have no choice concerning confidentiality. Most girls appreciate their right to privacy and anonymity, and many would likely shy away from adoption if that right to privacy was taken away. They may revert to abortion as a desperate measure or even abandon their babies.

I strongly oppose HB 1407. It completely removes confidentiality and privacy for birthparents. They should be given the right to keep their records closed if they CHOOSE to. Please vote to defer this bill.

Mahalo,
Stacey Cannon
Laie, HI

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, February 26, 2011 8:25 PM

To: JUDtestimony

Cc: windwardboi@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Cody Peleke Malachi Pohaku Castillo

Organization: Individual

Address:

Phone:

E-mail: windwardboi@gmail.com

Submitted on: 2/26/2011

Comments:

I support open adoption records. I support this because it helps people reunite with their birth parents.

TO: Representative Keith-Agaran, Chair of the Judiciary Committee
Hearing Date : 3/2/2011 2 :05 pm

FR: Ms. Erin Iwalani Castillo LCSW, DCSW
Licensed Clinical Social Worker,
February 26, 2011

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.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 8:55 PM
To: JUDtestimony
Cc: carterandsarah@hotmail.com
Attachments: I strongly oppose HB 1407~1.docx (66 KB)

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Sarah Chow
Organization: Individual
Address:
Phone:
E-mail: carterandsarah@hotmail.com
Submitted on: 2/28/2011

Comments:

I strongly oppose HB 1407. There are many reasons the identity of a child's birth parents should not be required to be disclosed. One reason is that it could cause birth mothers who would like to confidentially place their children in loving homes for adoption to abort instead for fear that their identities as an "unwed" or "unfit" mother be revealed. This would cause babies deserving of loving homes as well as families seeking babies to adopt to miss out on great opportunities to form lasting and bonding relationships. Please do not pass this bill. It would be a great disservice to our society. There are many other ways that people can find out the identities of birth parents without requiring the information to be revealed on birth certificates. People involved in an adoption should have the CHOICE as to whether the adoption should be closed, open, or open at a later date. Because each individual adoption is unique, the parties involved would be able to make the wisest choice on a case-by-case basis instead of having a blanket rule apply to all that could be seriously detrimental to some people.

RE: HB 1407

February 28, 2011

Dear Hawaii Representatives:

I am voicing my support of HB 1407. All people have the right to know who they are. We all should have the right to full knowledge of our origins, ethnicity, our original name and any other medical and social details of our lives.

Presently there has been much research that provides overwhelming evidence that access to one's original birth certificate through open records creates a positive outcome for all persons involved. In the past, there have been many misgivings and fear based opinions about the secrecy of closed records. This has all been proven to be misguided and are just untrue.

As a personal experience, I went to get my first US passport and presented my Amended birth certificate from the State of Hawaii. All adopted individuals have an amended birth certificate with the words amended stamped across the front in BOLD letters. The passport agent said that he could not accept this and wanted the original birth certificate. I would like that too!

I urge you to support HB 1407 and give adopted people the rights that others have, a right to their own birth certificate (ORIGINAL).

Mahalo,

Sherry Chun

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 6:40 AM

To: JUDtestimony

Cc: joshlindsay@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Lindsay Cieslewicz

Organization: Individual

Address:

Phone:

E-mail: joshlindsay@gmail.com

Submitted on: 3/1/2011

Comments:

I strongly opposed HB 1407. We are in the beginning stages of the adoption process. We respect birth parents very much and are grateful for the sacrifices they make. We know that protecting their privacy is an important and respectful part of the adoption process. Please don't take that away from these young people by mandating that their names be placed on birth certificates. Passing this bill may jeopardize the adoptions of families like ours as it removes protections for birth parents. We hope to give our adoptive child the opportunity to choose to have a relationship with her birth parents someday. But we hope to help her with that process when she is ready and when the birth mother is ready as well. Please give families the right to make these important decisions. Do not pass this bill!
Mahalo.

I am writing concerning HB1407 that modifies adoption privacy laws. Please stop this bill from passing in the house.

My heart is very tender to this issue because I have many friends on both sides of the adoption process.

First, to give the gift of life to a child and then turn the child over to an adoptive mother and father is one of the most noble gifts a human could give to another human. She is willing to carry the child, watch what she eats, take of time away from a job, get stretch marks, suffer from all kinds of pain and agony and then the afternoon after she gives birth she is willing to put that child in the arms of loving parents who were not able to have children themselves. It is a gift. She should be able to choose if she wants the world to know she gave birth to that child. Everyone is different and there are many reasons to keep their relationship with that child private. It could involve abusive birth fathers, abusive family, sunned in a religion or community, needing a clean slate and I believe that the birth mother should have that choice. The birth mom could have chosen an abortion yet instead she is willing to put her body through hell to give that gift to an adoptive mother who has dreamed of having children of her own. The birth mom is giving that woman something that she can't provide by herself. When a couple finds out they are not able to bare children it can be so devastating to a marriage and a woman's mental wellbeing. Please don't let this bill pass. Don't let those birth moms decide that abortion is the only option because they feel they can't have a clean slate. Please do take that gift away from that child and all the adoptive parents.

My second argument is that the family structure today can be very complicated. We have children with one parent, step parents, one child with a surname from one father and another child with another surname and on and on. It is a very complicated landscape and this bill would further complicate the family structure. As a parent I try hard to give my child a strong foundation and in a world of currently eroding values I must constantly evaluate what my child needs to help prepare them for the future. The adoptive parent is the person whom the child looks to for guidance and the parent asses what the child needs at that specific time in their life. HB1407 strips the adoptive parent the right to asses the child's needs and give the child their adoption information at the right time in their life. With this bill the government is telling us as parents, that we are not smart enough to govern ourselves and our families. Congress is not sitting in every household evaluating the adopted child's mental stability yet they are willing to throw sensitive information at the child regardless of the learning and maturity state the child is in.

I would like to give one final plea to say NO to HB1407. Please let the adoptive and birth parents have a choice on how to govern their lives.

Thank you for your time,

Mindy Clark
mindy.clark@byuh.edu
808-675-4978

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 12:53 AM

To: JUDtestimony

Cc: scrapperholly@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Mike and Holly Cook

Organization: Individual

Address:

Phone:

E-mail: scrapperholly@hotmail.com

Submitted on: 3/1/2011

Comments:

We oppose HB 1407. We are adoptive parents to two children who are our children in every way. We love their birthparents very much. We would not want them to have their names on our children's birth certificates if they did not want it there. Also, having this information become public knowledge is not in the best interests of the children. Their adoption stories are personal and sensitive and should be talked about at home with people who know and love them, their parents. Allowing others to have access to this information would violate the privacy of and cause confusion to the child.

Please do not pass this bill.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 7:23 PM

To: JUDtestimony

Cc: crowells@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Stephen Crowell

Organization: Individual

Address:

Phone:

E-mail: crowells@gmail.com

Submitted on: 2/28/2011

Comments:

Please let the people of Hawaii have a chance to hear, read, speak, discuss this matter. A bill should never be introduced until the matter is shared with all of Hawaii not just the sponsoring group and the representatives and senators of the people.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 11:19 PM

To: JUDtestimony

Cc: crowellt001@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: Yes

Submitted by: Tracy Crowell

Organization: Individual

Address:

Phone:

E-mail: crowellt001@gmail.com

Submitted on: 2/28/2011

Comments:

I oppose this bill that will force mothers that want to give their babies up for adoption to reveal their name and identity. The choice should be left to the mother to decide whether she wants to reveal her identity. Taking away this right is anti American. The privacy of mother's identity when she gives her baby up for adoption has always been honored. Why is it being questioned now? The effects of such a decision could be devastating! Many babies will be abandoned and left to die or even worse because mothers may not want to disclose their identities when giving their babies up for adoption. Some mothers do choose to disclose their identities others choose not to. Who gives anyone the right to take that human right away.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 7:52 AM

To: JUDtestimony

Cc: cummings97@hawaiiantel.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Michelle Cummings

Organization: Individual

Address:

Phone:

E-mail: cummings97@hawaiiantel.net

Submitted on: 3/1/2011

Comments:

To whom it may concern: Please amend this bill to allow for freedom of choice for the birthparents, especially the birthmothers. Do not take away their right to confidentiality or privacy when placing a child for adoption. The situation is delicate and difficult as it is. Forcing them to disclose their information for public record only deepens that difficulty. This may result in fewer adoptions and an increase in abortion. I have a beautiful adopted son whose birthmother was tempted to abort because of her situation. She chose adoption because it was the right thing, and because it was private and confidential. She was able to improve her situation as well as the child's instead of compounding the problem with murder. Please allow the choice to remain private and confidential stand. Please do not limit the freedom to choose. I oppose this Bill because it limits freedom and takes away birthparents' rights to privacy. Respectfully, Michelle Cummings

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:18 PM

To: JUDtestimony

Cc: dld27@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Daniel Daley

Organization: Individual

Address:

Phone:

E-mail: dld27@hotmail.com

Submitted on: 3/1/2011

Comments:

I strongly oppose HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they choose to. Their names should not be on the birth certificate of the child they have placed for adoption (without written consent).

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:20 PM

To: JUDtestimony

Cc: marcidaley@msn.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Marci Daley
Organization: Individual
Address:
Phone:
E-mail: marcidaley@msn.com
Submitted on: 3/1/2011

Comments:

I strongly oppose HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they choose to. Their names should not be on the birth certificate of the child they have placed for adoption (without written consent).
I have several family members who have experienced the miracle of adoption. I would hate for any parents be denied this experience in the future due to birth parents wishing for privacy.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 12:43 AM

To: JUDtestimony

Cc: marc.deppe@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Marc Depee

Organization: Individual

Address:

Phone:

E-mail: marc.deppe@gmail.com

Submitted on: 3/1/2011

Comments:

I am strongly opposed to HB 1407. A birth parent making the incredibly difficult decision to give up their child should be able to do so confidentially. This bill could cause birth mothers who would have given up their child for adoption CONFIDENTIALLY to opt for an abortion. Please consider the consequences of this bill and eliminate it from consideration.

oppose HB 1407

Karen Deppe [karendeppe@gmail.com]

Sent: Tuesday, March 01, 2011 6:53 AM

To: JUDtestimony

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Karen Deppe

Organization: Individual

Address:

Phone:

E-mail: karendeppe@gmail.com

Submitted on: 3/1/2011

Comments:

I am strongly opposed to HB 1407. A birth parent making the incredibly difficult decision to give up their child should be able to do so confidentially. This bill could cause birth mothers who would have given up their child for adoption CONFIDENTIALLY to opt for an abortion. Please consider the consequences of this bill and eliminate it from consideration.

Karen Deppe
12038 Windstone Street
Winter Garden, FL 34787
Cell: 407-864-2215
karendeppe@gmail.com

Date: March 2, 2011
To: Representative Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair
House Judiciary Committee
Re: Support for House Bill 1407

Please affirm this bill as is.

- 1) The bill provides that the birth certificate be recorded with the name of the child's parents and adoptive parents.
- 2) This provision is consistent with the Hague Convention. The *Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption* provides that information of the identity of the child's parents and medical history be preserved (Article 30.1).
- 3) The bill further provides access to the birth certificate by the parties involved in the adoption.
- 4) This provision conforms with the Hague Convention, Article 30.2 "They shall ensure that the child or his or her representative has access to such information, under appropriate guidance, in so far as is permitted by the law of that State."
- 5) In this bill, the law of the State of Hawaii will be drafted to support the release of this information to the child.
- 6) Concern that this disclosure of information will affect the confidentiality of the birth parent is not correct.
- 7) The current law provides that the adoptive parent has discretion whether or not to include this information already. Therefore, the confidentiality of the birth parent is held as a matter of discretion by the adoptive parent.
- 8) Privacy is not compromised because the information is shared only with parties directly involved and not with the public. This is analogous to situations in which privacy is maintained from the public but is not presumed to exist between involved parties.
- 9) The bill supports the contention of the Episcopal Church in its resolution of the General Convention 1982 D-082, "that state legislatures be urged to establish procedures that would enable adoptees [upon reaching legal age] to secure current information regarding their historical heritage, medical history, and genetic derivation: (1) without the necessity of court action, and (2) with sufficient safeguards provided for the protection of all parties in the adoptive triangle--the adoptee, the adoptive parents, and the biological parents."
- 10) This provides a simple procedure for the adopted adult to get historical information without necessity of court action.
- 11) All parties remain protected in that the information is shared between them and not with the public.
- 12) The bill provides a simple and unambiguous procedure for the creation of the birth certificate which is needed in today's world of identity concerns.

Thank you for the opportunity to provide this testimony. I am an adopted person. My natural mother is Hawaiian and was eager for me to find her. Unfortunately due to the habits of secrecy her identity was held from me until she was about seventy-five years old. Today, she lives in Hawaii and we are in regular communication.

Regards,

The Rev. Mark H. Diebel
68 Troy Rd
East Greenbush, NY 12061
(518) 479-3262

Testimony in Support of HB1407, Relating to Adoption Records

Drorbaugh M [mjdror@hawaii.rr.com]

Sent: Sunday, February 27, 2011 4:11 PM

To: JUDtestimony

Cc: Jerry Lam, [DRJLAM@aol.com]

James E. Drorbaugh, MD, pediatrician, retired
Measure: HB1407, Relating to Adoption Records
Committee on Judiciary
Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Date: Wednesday, 3/2/11
Time: 2:05 PM
Place: Room 325

My testimony is in support of HB1407. We have four adopted children. They are in their fifties now. When they were adopted the records were sealed believing that this was in the best interests of the adopted children and the adopting parents. However a lot has changed over the years. Open adoptions have been arranged. Children have been shown to benefit by reconnecting to their birth parents with no harm done to the adoptive parents. Medical history which is significant for the children has been obtained.

I think our children would have benefited from the knowledge that it was possible for them to find their birth parents. One tried but could not get through the blocks. The others didn't try.

I believe passage of HB1407 will benefit adopted children in the future.

James E. Drorbaugh, MD

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 2:08 PM

To: JUDtestimony

Cc: dudoitn@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Nate Dudoit
Organization: Individual
Address:
Phone:
E-mail: dudoitn@hotmail.com
Submitted on: 2/28/2011

Comments:

I strongly opposed HB 1407. It completely removes confidentiality and privacy for birth parents.

Birth parents should be given the right to keep their records closed if they want to. Their names should not be on the birth certificate of the child they have placed for adoption.

Furthermore, it gives birth parents an opportunity to further their endeveours in moving forward towards a better outlook and future in their life - knowing that both parents were in "tune" to give their child a better life to a wonderful married couple who who have waited for years to have a child of their own - and nurture the child as their own. That's "PRICELESS."
We, my wife and I are forever "BLESSED" to have adopted our son - and we are forever blessed to have him in our lives. He is our "MIRACLE" and we love him to eternity.

If any questions...my name is Nate Dudoit
My contact number is 808 258-7735.
My email: www.dudoitn@hotmail.com

Mahalo and Thank You For hearing my written testimony.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 7:46 PM

To: JUDtestimony

Cc: arthurama@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Amanda Dugan
Organization: Individual
Address:
Phone:
E-mail: arthurama@hotmail.com
Submitted on: 2/28/2011

Comments:

I STRONGLY OPPOSE this bill. You are once again taking away the a person's choice. They are no longer the parents once an adoption is finalized and it could hurt the children or birthparents if they want confidentiality. It should be between the birthparents and adoptive parents as to who's name will appear on the birth certificate. Government should only be to govern not mess up individual lives and create heartache. Do you seriously not have anything better to do with our tax dollars??? It should be the parties that are involved who make this choice and non else.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:48 PM

To: JUDtestimony

Cc: hbdupont@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Amanda K, DuPont

Organization: Individual

Address:

Phone:

E-mail: hbdupont@hotmail.com

Submitted on: 3/1/2011

Comments:

I am writing as an adoptive parent of two sons against the proposed HB1407 which would open the birth records of adopted children to the public. Birth mothers should have the right to keep such records private so that they can go on with their lives. The children involved should have the right to make known or conceal such records as desired.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 5:06 PM

To: JUDtestimony

Cc: gardenguy53@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Edward

Organization: Individual

Address:

Phone:

E-mail: gardenguy53@yahoo.com

Submitted on: 2/28/2011

Comments:

The individuals involved have the right to privacy. You are just asking for more problems.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Sunday, February 27, 2011 11:05 AM

To: JUDtestimony

Cc: kredwar7@aol.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Karen Edwards

Organization: Individual

Address:

Phone:

E-mail: kredwar7@aol.com

Submitted on: 2/27/2011

Comments:

I support this bill to give adoptees the right to see their original birth certificates.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 11:51 AM

To: JUDtestimony

Cc: hoku505775@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Denise Fenn

Organization: Individual

Address:

Phone:

E-mail: hoku505775@yahoo.com

Submitted on: 3/1/2011

Comments:

As an adoptee from Hawaii, this measure is for informational purposes only. This is not for monetary gain or to cause harm to those who gave us, the adoptee, a chance for a better life that our birth parents could not or were unable to provide when they gave us up. Mahalo for the opportunity to voice my support for HB1407.

February 28, 2011

To Whom It May Concern:

We are adoptive parents who adopted a son from Hawaii in 1998. We are **STRONGLY** opposed to the legislation we have just heard is being presented for your vote. Please allow us to explain some of our reasons.

First, we understand that a birth mother and birth father would be mandated to have their names listed on the birth certificate following the adoption. This is not fair! As an adoptive parent, we take upon ourselves the **ENTIRE** role and title of parents to the children we raise. In our case, the birth mother of our son abused him! He was removed from her care and placed in protective custody. She willingly **CHOSE** to have her rights terminated by the inappropriate way in which she cared for her child. Our son's birth father was a drug lord! He had his rights terminated after he kidnapped our son from his birth mother after she had retained legal custody. What right does he have to be referred to as father to our son? We have spent hours, days, and weeks in counseling trying to reverse the adverse affects that were put upon our child. We are grateful that he has grown into a wonderful young man who is living a full life. That would not have happened without the availability of adoption. His birth parents do not deserve to share the title of Mother and Father when they each abandoned that right by their individual choices!

We also understand that adoption records would be required to be unsealed and allowed to be viewed. This action, too, is appalling! Adoptions are created to be in the best interest of the child. The **CHILD** not the **PARENTS** is the most important aspect of the adoption. It is in the best interest of a child to be raised where he/she feels confident with the parents he/she is being raised with. When they are 18 they have the option to research their birth history and find their birth parents if they so desire. I am fairly certain our son would **NEVER** desire to research his birth father. The abuses he had at his hand simply make him repulsed by his actions. He has always struggled to understand why his birth mother would not make the effort to be his true mother and make the changes she needed to be his mom. I think his contact with her would also be very limited. We do not need to open up their names and their pasts. It proves nothing but the fact that they exist. They have not made him the man he is today.

It would be in the best interest of the children who are adopted to keep the laws where birth parents remain confidential and adoptive parents retain the title that they so deserve.

Sincerely,

Richard and Linda Fifita
203 N 460 W
Salem, UT 84653

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 11:06 AM

To: JUDtestimony

Cc: francoj002@hawaii.rr.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Herbert Franco

Organization: Individual

Address:

Phone:

E-mail: francoj002@hawaii.rr.com

Submitted on: 3/1/2011

Comments:

1. I strongly opposed HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they want to. Their names should not be on the birth certificate of the child they have placed for adoption. Mahalo

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 3:44 PM

To: JUDtestimony

Cc: dianalee39@msn.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: lee freeman

Organization: Individual

Address:

Phone:

E-mail: dianalee39@msn.com

Submitted on: 2/28/2011

Comments:

I strongly opposed HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they want to. Their names should not be on the birth certificate of the child they have placed for adoption. Please be responsible and don't pass this bill

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 8:54 AM

To: JUDtestimony

Cc: adoptioncirclehawaii@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Jackie Frost

Organization: Individual

Address:

Phone:

E-mail: adoptioncirclehawaii@hotmail.com

Submitted on: 2/28/2011

Comments:

My name is Jacqueline Frost. My twin brother and I were adopted 60 years ago. I always wanted to locate my birth parents. I endured much agony knowing there was not a system in place to do this. About 20 years ago, I was fortunate enough to reunite with my birth father. My birth mother had passed away only one year earlier. I still yearn for that mother daughter reunion that will never be. My birth father wasn't in my life very long before he also passed. I have since found that I have 5 loving siblings. If Bill HB1407 would have been available to me, I may have had both birth parents and 5 siblings involved in my life!

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Friday, February 25, 2011 9:57 AM

To: JUDtestimony

Cc: jennyfujinaka@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Jenny Fujinaka

Organization: Individual

Address:

Phone:

E-mail: jennyfujinaka@gmail.com

Submitted on: 2/25/2011

Comments:

I am an adoptee and member 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 hospital with no identifying information, I was in an orphanage for six months before I was adopted from Korea to the United States in 1974. 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.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 3:38 PM

To: JUDtestimony

Cc: diana32901@msn.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Diana Freeman

Organization: Individual

Address:

Phone:

E-mail: diana32901@msn.com

Submitted on: 2/28/2011

Comments:

I stongly oppose HB 1407. If completely removes confidentiality and privacy for birthparents. birthparents should be give the right to keep their records closed if they want to. Their names should not be on the birth certificate of the child they have placed for adoption. It would be a crime of privacy to mandate that birthparents' names be on the birth certificate without their permissino. PLEASE DO NOT pass this law!

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 11:03 PM

To: JUDtestimony

Cc: paulthomasgarner@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Paul Garner
Organization: Individual
Address:
Phone:
E-mail: paulthomasgarner@gmail.com
Submitted on: 2/28/2011

Comments:

I oppose the bill being proposed. I do not see any benefit to the community, state, or families at large by opening up the names of birthparents for adopted children. Privacy should be intact within the family and if the parents opt to place a child into adoption, an obviously difficult decision, they should have the right to anonymity to the public. The lawmakers involved in this process should clearly and honestly ask themselves with regard to this piece of legislation, "to what end?". In my opinion I do not see the benefit to me, my family, my city, my state, my company, my friends, or any of my associates to have publicly available the names of the parents of those who in the best interest of their child place them for adoption.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 12:55 PM

To: JUDtestimony

Cc: gentry@olyphen.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Carol Gentry

Organization: Individual

Address:

Phone:

E-mail: gentry@olyphen.com

Submitted on: 3/1/2011

Comments:

Please do not support this bill. I believe that birthparents should have the right to keep their identity confidential if they so choose. This will protect the privacy of birthparents and it will better protect the unborn child.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 11:09 AM

To: JUDtestimony

Cc: janetmgrace@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Janet Grace

Organization: Individual

Address:

Phone:

E-mail: janetmgrace@gmail.com

Submitted on: 3/1/2011

Comments:

Dear members of the Judiciary Committee,

My name is Janet Grace and I oppose HB 1407.

Although I commend many women and girls for choosing life for their unborn child and making the brave and right decision to make an adoption plan for their future I have to oppose this bill in an effort to protect the adoptive legal parents.

Also to allow the parent to be the one to assist in the decision when the time is right to let their child(ren) know they were placed for adoption.

Of course this is a highly sensitive issue and again, this is why those who have raised the baby would know what is best for them.

Mahalo for considering my testimony.

J Grace

District 23

March 1, 2011

Aloha Senate Judiciary Committee,

I strongly opposed HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they want to. Their names should not be on the birth certificate of the child they have placed for adoption. As a prospective adoptive parent who desires to adopt a child from Hawai'i, this bill is discouraging, unsettling, and upsetting to birth and adoptive parents.

I am a Native Hawaiian and was born and raised in Kane'ohe. After graduating from Kamehameha, I moved to the mainland to pursue my college education receiving Bachelor's and Master's degrees in Human Development and Family Sciences. I have spent over ten years working in the social services field. In my profession, I am held to very high standards to protect the privacy and confidentiality of my clients. HB 1407 is not only a blatant violation of confidentiality for the birth parents, but it makes it difficult for the birth mom (and dad, if involved) to move on with her/his life. With HB 1407, the name(s) of the birthparents will be connected to the child they placed for adoption. That is not fair to a young lady (or young couple) who chose adoption as the plan for her baby; and as an opportunity for a fresh start for herself. As I have investigated adoption as a way for my husband and me to start our family, I have met a handful of birth moms who are grateful for the "fresh start" they had to move on with their life after placing their child.

On a personal note and as a prospective adoptive parent, HB 1407 is unsettling to me. When I adopt a child and bond with the child, the child will belong to me and my husband. I would not want my child to have free access to the names of his/ her birth parents before they are prepared. As it is, adopted children can access their original birth certificate when they turn 18. This allows for them to be relatively prepared with some level of maturity and life experience before and if they choose seek out their birth parents. Some adoptive parents choose to tell their child about their adoption and their birth parents at a much earlier age. This decision is made by loving parents, based on the emotional needs and maturity of the child. The whole story of the adoption is shared in a sensitive, private, individualized manner. The parents of the child know best how, when and if this should be done and certainly NOT the government. Their adoption history should be a personal, private matter for them to disclose if they choose when they are ready. HB 1407 denies them that right.

Please vote to defer this bill.

Mahalo,

Lahela L. Gwynn, MS
Plumas Lake, CA

Dear Rep. Keith-Agaran, Chair, Rep. Rhodes, Vice Chair and members of the Committee:

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.

In written testimony submitted by the Hawai'i Family Court, which did not take a position at the time of the HUS Committee hearing on HB1407, the Court stated, "[t]his mandate may run afoul of the constitutionally protected rights of privacy for the adoptee, the adoptive parents, and the birth parents," and "[w]hen adoptions occurs, both sets of parents and the adoptee rely on the law, existing at the time of the adoption, to establish the parameters of confidentiality."

In contrast, both the Supreme Court of Tennessee and the Oregon Court of Appeals have found against such claims made by plaintiffs attempting to block open records. In both cases these decisions were appealed to the U.S. Supreme Court, which refused to hear either case, thus making the lower Courts' decisions final. Furthermore at the time of adoption, the minor adoptee is not of sound mind, nor judgment to rely on such law, and thus should be given an opportunity to redress it when they reach the age of majority.

The Supreme Court of Tennessee found "that retrospective application of legislation allowing disclosure of adoption records to adopted persons over the age of 21 does not impair the vested rights of birth parents in violation of article I, section 20 of the Tennessee Constitution, nor does it violate the right to privacy." *Doe v. Sundquist*, 2 S.W. 3d 919 (1999)

The Oregon Court of Appeals found in a suit brought by plaintiffs to block Ballot Measure 58 in Oregon allowing open adoption records: "Plaintiffs have failed to demonstrate either any contractual right to absolute privacy and confidentiality, or any impermissible impairment of any such rights. Second, plaintiffs argue that Ballot Measure 58 violates a zone or penumbra of privacy around intimate personal matters that is implied by the combined effect of various provisions of the Oregon and Federal Constitutions which recognize other, more specific individual rights. Neither the Oregon Supreme Court nor the United States Supreme Court have ever recognized such a broad reaching penumbra. Nor is it likely that either would in this context. [...] And significantly, there was no privacy or confidentiality at all which was attached to adoption records at the time of the enactment of either of these Constitutions. Adoption records were originally public in Oregon, and, in fact, were published annually up until 1921." *Does v. Oregon*, 933 P.2d 822 (Or. Ct. App. 1999).

I believe everyone has a right to see their own original 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."

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.

Thank you for the opportunity to testify.

Darrow Hand
Honolulu, HI

Heidi J. Harms
254 Abbott St. #102
Wahiawa, HI 96786
808-888-0906

March 1, 2011

Aloha Members of the Judiciary Committee,

I am writing in opposition to HB1407. I am the adoptive mother of a beautiful little girl. When we began our adoption journey we were very open to any arrangement that the birth parents wanted as far as an open or closed adoption. We adopted our little girl 17 months ago and were present in the hospital room when she was born. My husband and I were able to meet her birthmother and fell in love with her from that very first meeting. We definitely consider her an extension of our Ohana and only wish we could have adopted her as well. She has been the greatest blessing to us and I write this letter on her behalf. She chose to keep our adoption closed. She was very concerned about what her family would think if they ever found out she had been pregnant. This bill would violate her right to make the decision to keep this a private adoption.

Unfortunately, those who are most affected by this bill will not be writing letters and showing up at the hearing to oppose this bill. Those who are most affected by this bill are praying that we uphold their privacy. They will pray that, as citizens of the great state of Hawaii, we will uphold their right to privacy. We preserve that right by preserving their right to confidentiality. Each individual birth mother has the right to choose whether or not their names are given out publicly. The current bill preserves that right. It does not take anything away from adults seeking for information about their birth children or their birth parents.

The current law does not deprive anyone of the right to information, it only requires that all those involved in the information are adequately informed and have given permission for their names to be released. I agree that those who are wanting this information, and crave for the right to know their heritage and background, should have the option of requesting their own records. Where we differ is that, it is not only their personal right but, the other person's right to privacy that needs to be considered. The current law seeks to preserve the rights of all those involved. Yes, it may not be as convenient as just going down and being handed a new birth certificate, but the decision to place for adoption was never a convenient option either. I know in our own experience that our birth mother agonized over this decision. She wrestled with what the best option for her baby would be and then came to the conclusion that placing her in our home would be the best for her and her baby. How can we violate her right to privacy because a few people would like things to be more convenient.

In closing, I just want to state that the Privacy Act of 1974 (**THE PRIVACY ACT OF 1974, 5 U.S.C. § 552a**, As Amended), states clearly,

"No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains."

Furthermore, the Freedom of Information Act states the following, which can be found at the enclosed government website,

Can I request information about other people?

Yes, but such information might be withheld from you to protect their personal privacy. The FOIA contains two very important provisions concerning personal privacy: Exemption 6 and Exemption 7(C). The FOIA's Exemption 6 permits an agency to withhold information about individuals if disclosing it would be "a clearly unwarranted invasion of personal privacy." This includes, for example, almost all of the information in medical and financial benefit files and much of the information in personnel files. Exemption 7(C) provides even stronger privacy protection for personal information contained in law enforcement records. To decide whether to withhold information under these two FOIA privacy exemptions, an agency must balance personal privacy interests against any public interest that would be served by disclosure. Neither Exemption 6 nor Exemption 7(C) can be used to deny you access to information about yourself, only to deny you information about other persons. Additionally, unless disclosure of information about other people is required under the FOIA, the Privacy Act will apply and may prevent disclosure of personally identifiable information contained in a system of records.

http://www.pueblo.gsa.gov/cic_text/fed_prog/foia/foia.htm#comparison

In conclusion, I would just like to say that I applaud "Anna" for making the decision she thought was best for Bristol and for herself. She showed forth great courage and love when she decided to put that little girl in our arms. I hope that by opposing HB1407 we are honoring her wishes for anonymity. Someday I know we will deal with Bristol's queries about her birth parents. We will talk lovingly and fondly of her and then let Bristol decide when she is 18 years old whether or not to pursue that information.

Thank you for your consideration of opposition to this bill.

Mahalo,

Heidi J. Harms
Wahiawa, HI
808-888-0906

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:08 PM

To: JUDtestimony

Cc: shaunaharper@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Shauna Harper

Organization: Individual

Address:

Phone:

E-mail: shaunaharper@hotmail.com

Submitted on: 3/1/2011

Comments:

This bill will destroy peoples lives.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 11:50 PM

To: JUDtestimony

Cc: shandralhastings@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: Yes

Submitted by: Shandra Hastings

Organization: Individual

Address:

Phone:

E-mail: shandralhastings@gmail.com

Submitted on: 2/28/2011

Comments:

I strongly opposed HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they want to. Their names should not be on the birth certificate of the child they have placed for adoption. Please do not pass this law.

Greetings Members of the Judiciary Committee,

*I write in opposition to HB 1407. I adopted my son Elijah just seven months ago. The past seven months have been a whirlwind of emotions. Our son has brought joy to so many people. I am pro-adoption. I support the rights of birthparents. My husband and I are currently in a very open adoption relationship. I am thankful that our sons birth family **chose** to have an open adoption relationship. The key word here is **chose**. They were given the **choice**.*

I understand that in the past open adoption was not a choice. Our sons birthmother spent Thanksgiving and Christmas with us. We have an open adoption relationship that is new and unfamiliar to many in the adoption community. Situations like ours are becoming more common. Birthparents and Adoptive parents are working together for the best interests of their children. That being said, open adoption is not always what is best. This was a choice that was right for our situation. Not all birthparents feel the same way.

Birthparent rights have come leaps and bounds. Birthmothers now have the right to not only choose the adoptive parents, but they have the ability to choose if they want to have an open adoption relationship. I'm thankful for this choice. HB 1407 is a huge step backwards. HB 1407 removes their choice, removes agency, removes their rights to confidentiality. Please don't take their rights away. I love my sons birthparents, my heart is full of gratitude for their selfless love. If they had chosen differently, if they desired confidentiality, I would want them to receive it. It breaks my heart thinking about the damage a bill like this could do. Mothers seeking privacy will find their way to an abortion clinic instead of an adoption agency. Please, Please, think before you vote.

Please vote to defer this bill.

*Sincerely,
Karen Heaton*

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 12:02 PM

To: JUDtestimony

Cc: kathy@mauitoyota.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Kathleen A. Hee

Organization: Individual

Address:

Phone:

E-mail: kathy@mauitoyota.net

Submitted on: 3/1/2011

Comments:

I am opposed to this bill--please do not pass it. The names of birth parents must be kept private. I believe passage of this bill will cause an increase in abortions. Please stop it. Mahalo!

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 11:00 PM

To: JUDtestimony

Cc: nancy_holbrook@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Nancy Holbrook

Organization: Individual

Address:

Phone:

E-mail: nancy_holbrook@hotmail.com

Submitted on: 2/28/2011

Comments:

I strongly oppose HB 1407. It makes a difficult situation even more difficult for birth parents. They should have the right to privacy if they choose. I believe this bill will lead to more abortions and abandonment of babies because birth parents will have no other options if they want to remain anonymous for whatever reason.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 10:14 AM

To: JUDtestimony

Cc: dbh_10@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Daniel Hyde

Organization: Individual

Address:

Phone:

E-mail: dbh_10@hotmail.com

Submitted on: 3/1/2011

Comments:

I was born July 30, 1987 in Honolulu, HI. Ten days later I was adopted by a loving mother and father. I will ALWAYS love and appreciate what my biological mother did for me. She made one of the hardest decisions of her life by giving me a better life and putting me up for adoption. I am thankful that my adopted parents were the only names on my birth certificate!

I strongly feel that biological parents deserve their privacy if wanted. Starting a family and adopting can be difficult in the first case, but requiring biological parents names to be recorded on birth certificates not only invades privacy, but can also add psychological roadblocks to adoptive parents when creating this new relationship with the children they adopt.

With this new requirement, young mothers may look to other alternatives before adoption which just to keep their privacy. Please let biological parents keep their privacy if they want! Let them move on to bigger and better things in their own lives. Please do not see HB1407 through!

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:26 PM

To: JUDtestimony

Cc: delmerhyde99@stratanet.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Delmer Hyde

Organization: Individual

Address:

Phone:

E-mail: delmerhyde99@stratanet.com

Submitted on: 3/1/2011

Comments:

I am an adoptive parent who adopted a child and I strongly oppose this bill. I am my child's parent and I love and admire the birth parents of my child for the very difficult choice they made. I am offended by this attempt to take away their rights of privacy and I am offended by the attempt to undermine my own authority and rights as a legal parent. Many other avenues exist and can be enabled to connect those who wish to have knowledge of their birth parents and children without trampling the rights of those who wish to have privacy. This is a bad piece of legislation. I urge you not to pass it.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 10:33 AM

To: JUDtestimony

Cc: bauer_tricia@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Patricia Jones

Organization: Individual

Address:

Phone:

E-mail: bauer_tricia@yahoo.com

Submitted on: 3/1/2011

Comments:

I oppose HB 1407 because I believe birthparents should have the right to keep their names off the birth certificate, and keep the adoption confidential if they so choose at that time. Adoption is a big decision for the birth parents, and many factors and circumstances may deem confidentiality to be best, especially in the cases of rape, incest, and when the birthparent is a minor. Keep confidentiality a choice.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 12:24 PM

To: JUDtestimony

Cc: kaholokai@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Linda Kaholokai
Organization: Individual
Address:
Phone:
E-mail: kaholokai@gmail.com
Submitted on: 3/1/2011

Comments:

I strongly oppose Bill #1407. As a parent through adoption, I feel this bill is a direct assault on an individual's rights to privacy--both the birth parents' rights and the rights of the child through adoption. A child's birth story is his/her own very personal private story--to be told to him by his/her parents in a loving and timely manner. A child who joins a family through adoption, should not be forced to carry a birth certificate through life with names of individuals he/or she may have no relationship with, who have never had a role in parenting that child. Birth parents, with the same right to their own private personal birth story, should not be forced to place their names on a birth certificate of a child they placed in confidentiality. This should be done only by the choice of the birth parents and with agreement by the adoptive parents.

It is not the role of the state to interfere with an individual's rights to privacy. Please do not pass this bill.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:17 PM

To: JUDtestimony

Cc: kelskamauu@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Kelsey Kamauu

Organization: Individual

Address:

Phone:

E-mail: kelskamauu@gmail.com

Submitted on: 3/1/2011

Comments:

I strongly oppose HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they choose to. Their names should not be on the birth certificate of the child they have placed for adoption.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 6:56 AM

To: JUDtestimony

Cc: karlawardell@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Karla

Organization: Individual

Address:

Phone:

E-mail: karlawardell@gmail.com

Submitted on: 3/1/2011

Comments:

I strongly opposed HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they want to. Their names should not be on the birth certificate of the child they have placed for adoption. It is hard enough to make the selfless choice to give up a child for adoption-please don't make it harder for these women by forcing them to feel ever more vulnerable than they are by forcing their names to be disclosed in their child's adoptin.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 10:05 AM

To: JUDtestimony

Cc: dkiyokane@hawaiiantel.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Darlean Kiyokane

Organization: Individual

Address:

Phone:

E-mail: dkiyokane@hawaiiantel.net

Submitted on: 3/1/2011

Comments:

I am a birth mother My son and I reunited in 1998 If birth records were open it would have been easier for him to contact me As it turns out his adopted father had my name and through mutual acquaintances he was able to locate me Others are not so fortunate and go to their graves never knowing

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 10:46 PM

To: JUDtestimony

Cc: lkuhaupio@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: LENORE KUHAUPIO

Organization: Individual

Address:

Phone:

E-mail: lkuhaupio@yahoo.com

Submitted on: 2/28/2011

Comments:

Adoption is a personal decision. For most, it is also a very private matter. A decision for open information is not up to the government and a small group of people to make. The only people that have a right to make such a decision would be the 3 parties involved: The biological parents, the adoptive parents and the adopted child when he or she is of age.

Passing a bill dealing with the hearts of so many has no business being considered by a public forum.

Our family had the opportunity to adopt a babel. We have always opened doors for her in hopes to make the road ahead as happy as possible. When broaching the subject of open information in order to have contact with her biological parents, she declined. Her words were very simple: You're my parents and that's all the information I need.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, February 26, 2011 3:27 PM

To: JUDtestimony

Cc: niki@landgraf.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

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: 2/26/2011

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 UR 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.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 1:10 PM

To: JUDtestimony

Cc: adam.lee.ra@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: Yes

Submitted by: Adam Lee

Organization: Individual

Address:

Phone:

E-mail: adam.lee.ra@gmail.com

Submitted on: 2/28/2011

Comments:

The birth mother is giving life to a child and should have the right to remain out of public records and to start a new life after making the tough decision on adoption, keeping the baby or being forced to abortion because of fear that their name will be in public records. It does not make sense to take this privacy away from birth mothers.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 4:51 PM
To: JUDtestimony
Cc: correa123@aol.com
Subject: Testimony for HB1407 on 3/2/2011 2:05:00 PM
Attachments: hawaii hb1407.doc

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Jodi Correa
Organization: Individual
Address:
Phone:
E-mail: correa123@aol.com
Submitted on: 2/28/2011

Comments:

February 28, 2011

Re: HB1407

I am writing to register my opposition to HB1407. I am the proud mom of two amazing kids, who happen to be adopted. I can't imagine my life without them and nothing can replace the pure joy I felt when they were placed in my arms at just a few days old. I adopted because I chose to build my family through adoption and not because some biological time clock was running out.

I specifically chose to adopt in the state of Hawaii because of the balanced approach the state took in managing the rights of all parties involved in the process. The process of adoption is based on mutual trust and respect. It forever bonds families together for good and bad. To say it is a delicate balance is an understatement. Imagine if one party in that compact had more power than the others and that the rights and needs of all were not fairly taken into consideration.

While my children are minors, as their parent I am responsible for deciding what information they are mature enough to process, understand and ultimately handle. I do not want the legislature making the decision about what information is appropriate to communicate to my children.

Further, with legislated transparency for birthmoms, one can only imagine what horrific choices a pregnant woman or young woman might make giving her unborn baby even fewer options at being cared for by loving parents, or worse yet not being born at all.

Please do not pass HB1407.

My name is Sally Lee. I have been a social worker specializing in working with unwed expectant parents, adoptive parents and adoption. There are very few of us who work directly with birthparents and I have been doing this for 30 years. I have been given the Congressional Angel of Adoption Award in Washington D.C.. I was also the Social Worker of the Year for Children and Families in Hawaii and the Mother of the Year in 2006.

I counsel unwed expectant parents whether they are parenting, aborting or placing for adoption and I respect the decisions of my clients. If they choose to place the child for adoption, I help them custom-make an adoption plan that they are happy with whether it be wide-open, have different degrees of openness or have it closed.

I have much love and respect for birthparents, adoptive parents and adopted children. I understand and respect the myriad of emotions involved in adoptions so please know that I understand the views of those who wrote and support this bill.

However, I must oppose this bill. Today I am mainly speaking from the viewpoint of birthparents who will not show up at events like this. You won't hear from them because they don't want their identity exposed to the public. **I oppose this bill mainly because of the loss of privacy and confidentiality for these birthparents.**

RE: BIRTH CERTIFICATE –To mandate that the names of the birthparents have to be on the child's birth certificate is utterly terrible.

Scenario of a real case I had: An upright, moral 21 year old young woman went to a party in Honolulu where there were many people she did not know. The last thing she remembers is taking a drink from a guy. When she awoke, it was 12 noon the next day and she was lying on the sidewalk outside with police officers around her. She had been given a date-rape drug and did not remember anything. Other party goers told police that they saw this girl in a bedroom and that about 5 men had sex with her. Besides having to deal with the gang rape, she found that she was pregnant, too late to have an abortion. She went through agonizing months, keeping her pregnancy confidential. I saw her cry 10,000 tears on my couch. No one knew of the pregnancy except her immediate family. She loved the baby and wanted the child to have a solid, happy family. She chose to place the child for adoption with a wonderful couple. She has since gone back to college and is rebuilding her life. She has an open relationship with the adoptive couple. She gets photos and emails while she is away but the trauma of the rape and giving birth to a baby, let alone a stranger's baby, is something she wants kept very private.

So should she be required to have her name on that child's birth certificate without her permission? Absolutely no. Her name would be flashed around every time the child registers for soccer, registers for school, goes to camp or gets a passport. She doesn't want everyone in the public to know that she had a baby. It was something very personal and private to her. Her name should not be put on that child's birth certificate.

I called 8 birthmothers who had placed their babies for adoption and I asked them what they thought about this House Bill. They were horrified.

One said, "No way. No way!"

Another said, "Ridiculous and wrong!"

2 out of the 8 said if they knew their names HAD to be on the birth certificate and out there in public, they would have seriously considered an abortion. It would have been their only means for confidentiality and privacy.

All of these girls have open adoptions with their children's adoptive families but they want to keep it open with just them, the adoptive family...and not the public.

So if this House Bill 1407 passes, we WILL see an increased number of abortions. When a pregnant girl is so desperate for privacy and you put her into a corner with no options for privacy, she WILL choose abortion. This will be upon the heads of those who make these laws and support these laws.

We don't live in Libya where people have no freedom to choose. We cannot become like Libya where our rights are taken away.

We have the HIPAA law to protect people's privacy with medical issues. Those involved in adoptions should be protected to the extent that they want it.

The other part of the bill takes away the right for birthparents to keep their adoption records private in the state. It takes away the right for them who placed years ago to say "No, I'm not ready to open it up yet." It FORCES every birthparent's record to be open **without their approval.**

I have done many reunifications over the last 30 years. They are wonderful most of the time. I have also met and counseled birthmothers who placed in the 50's and 60's. When the 1991 law allowing access to adoption records passed, some came in for guidance and counseling for the first time in their lives, scared to death that their privacy would be invaded. I remember one older lady in particular who cried and was so afraid that someone would knock on her door one day and tell her that she had to open up her adoption. She was relieved to know that the law protected her. She could sign an affidavit requesting confidentiality. It was her only protection from the exposure that she did not want. She was sure that the way her family was, they would not have been able to handle it and her relationship with her children and grandchildren would be destroyed. Some people and families are very open, some are very closed. We must have a law in place to protect people who want confidentiality. It might not be a large number of people but that door must always be there for them.

I had a client who was 17 years old and had been sexually abused for 2 years by her uncle. She became pregnant and gave birth to her uncle's child. They both have the same last name. She placed the child for adoption and at that time, said she never wants her records open, ever because she wanted to protect her child and herself. She was given protection under the law. We cannot go back and take that protection away. We cannot go forward not giving future birthmothers privacy if they want it.

Some of people who wrote in support of the bill have led the readers to believe that the records of adoptions before 1991 are closed and sealed permanently. Perhaps some of them are really misinformed and don't know the law or they intend to mislead the House of Representatives and the Senate in thinking that those records are indeed inaccessible.

I want to make it very clear that the law we have today **does** allow for old records to be opened. They are not inaccessible as some of their testimonies have led us to believe.

The person who does the searches charges \$300 as a flat fee to find the other party. Usually when you find one party, they know the names of the other parties so you don't have to keep paying more fees. He has searched out many adoptive parents who gave birth decades ago . The law allows for the record to be opened with the consent of the other party as far back as it goes as long as that party is alive and the record is open if a person cannot be found. This law can be dangerous for those who cannot be found at their last known address but please leave this law in place.

We cannot pass any law that does not protect people who want privacy.

Even Judge McKenna testified that "This mandate may run afoul of the constitutionally protected rights of privacy for the adoptee, the adoptive parents, and the birth parents. 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."

I humbly ask the committee to defer this matter and seriously consider what is being said today.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 7:37 PM

To: JUDtestimony

Cc: yukayahagi@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Yuka Lee

Organization: Individual

Address:

Phone:

E-mail: yukayahagi@gmail.com

Submitted on: 2/28/2011

Comments:

I strongly opposed HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they want to. Their names should not be on the birth certificate of the child they have placed for adoption.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 4:46 AM

To: JUDtestimony

Cc: lombards004@hawaii.rr.com

Attachments: HB1407.docx (10 KB)

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Steven W. Lombard

Organization: Individual

Address:

Phone:

E-mail: lombards004@hawaii.rr.com

Submitted on: 3/1/2011

Comments:

I strongly oppose HB1407. My wife and I have two adopted daughters and they are as much our daughters as if they were born to us. Their birth certificates show only our names as parents. Our daughters know their birth parents, but consider us their real parents. To include the birth parents on the birth certificates would, I believe, be a mistake. Such information should be, as in our case, strictly voluntary and not mandatory.

To make the birth parents information mandatory would create more problems than it would solve. Most birth parents do not wish their information shared. Those that do, should be able to do so on a voluntary basis mutually agreed to by the adoptive parents.

I urge you to vote to defer and defeat this bill.

Testimony in Opposition to House Bill 1407

Mr. Chairman and Members of the Committee:

My name is Laurie Loomis. I am an attorney specializing in private and direct placement adoption. My practice was started in the 1950's by Betty Vitousek, head of the Family Court of the First Circuit for many years and was continued by Marilyn Carlsmith and Rosalyn Loomis, both former Family Court judges. I have practiced in the area of adoption for 25 years. I am a founding Fellow of the American Academy of Adoption Attorneys, a national organization of 300 plus attorneys with strict membership requirements. I have been involved in many hundreds of adoptive placements, dealing directly with birth parents, adoptive parents, infants and children. I was deeply involved in the drafting and passage of the current "open records" provisions which this legislation seeks to amend. I am opposed to this bill.

First, H.B. No. 1407 requires that the amended birth certificate, generated after an adoption, lists both the adoptive parents and the natural parents as mother and father of the child. Second, this Bill guts the statutory provisions regarding the availability of adoption and birth records to adoptees and birth parents which now provide fair procedures for individuals who want to maintain confidentiality. Both of these proposed revisions violate the privacy rights of birth parents, adoptive

parents, and the child. They are certainly unconstitutional and will have a chilling effect on adoption.

As stated by this Legislature's many committee reports, the overriding policy and purpose of our adoption statute is to protect and preserve the rights and well-being of children by providing safe and stable homes (see Senate Standing Committee Report 234 in Senate Journal 1969; House Standing Committee Report 710 in House Journal 1969). The statute liberally construes the law to effect this purpose. Anyone may adopt a child. Any child may be adopted. Any proper person or agency may place a child for adoption. The birth parent and adoptive parents may engage in any type of adoption, open or closed. There is no proscription, and the statute is liberally construed.

When the adoption is finalized, the adoptive parents are the legal parents of the child with all parental rights and responsibilities. The child is part of that family and, at least until age 18, that family alone, unless the child's parents believe that contact with the birth family is in the child's best interest and the birth parent wants contact. The State's overriding concern is permanency for the child.

H.B. 1407 mandates that every adoption be open despite the birth mother's reasoned decision within the context of what is happening in her life at the time, as to what she thinks is best for her and the child, despite what the adoptive parents believe is in the child's welfare, and despite the potential impact on the child.

Passage of the birth certificate portion of H.B. 1407 will have a profound effect. It will drastically decrease the pool of prospective adoptive parents and of birth mothers willing to place children for adoption. It will increase the number of children in foster care and in dysfunctional or unstable homes. H.B. 1407, as proposed, is a startling public policy contradiction. It is in direct opposition of the child welfare provisions of our adoption law.

The violation of privacy interests is also staggering. Every parent, biological or adoptive, has the legal authority to decide what is best for their child. With mandatory listing of birth parents and open access to records, these decisions are taken out of the adoptive parents' hands during the child's minority. The birth certificate proposal undermines the parents' and the child's right to decide when and how and to whom they will share the child's "adoption story". The birth certificate amended after an adoption is the document used to enroll the child in school, in sports, get a passport and any number of things. Such mandatory listing will be confusing, destabilizing, prejudicial, and unfair to both parents and child. It also publishes to the child, to the adoptive parents, and to the world identifying information about the birth parents by removing any reasonable expectation of privacy.

Under current law, the birth certificate amended after the adoption lists the adoptive parents as "mother and father" and may list birth parents' names, if the adoptive parents consent. This is carefully

balanced application of public policy and privacy concerns and whatever interests this bill seeks to address. It is more than most other states allow.

H.B. 1407 also seeks to abrogate current law enacted in 1991 which is equally well-balanced and allows access to adoption records while preserving privacy. For adoptions occurring prior to December, 1990, the Family Court, upon request from an adoptee 18 years or older or his adoptive parents, must contact the birth parent directly, or if that is unsuccessful, through a third party intermediary.

For pre-1991 cases, the birth parent may submit an affidavit requesting continued confidentiality. If the birth parent does not timely file, the records are opened. If the birth parent cannot be located, the records are open. For adoptions occurring after December, 1990 the birth parent must timely file a confidentiality affidavit 90 days prior to the child's 18th birthday. Privacy will be maintained for 10 years when the affidavit may be refiled. If affidavits are not timely filed, the records are open. Similar rights to confidentiality and to access of records are extended to birth parents.

The statute is intended to address the privacy rights of birth parents and adoptees who relied on pre-1991 privacy protections and who still do not want to be identified and contacted, and to allow individuals involved in later adoptions to opt for a closed adoption. The time frames and requirements of current law are clearly weighted in favor

of access to records. Both sections of the law were carefully crafted by the State House and Senate after considering views of all sides of the adoption triad, including birth mothers and adoptees who would opt for confidentiality. The law's balanced approach recognizes all of these interests while supporting the public policy favoring adoptions.

Many birth parents and adoptees placing children prior to 1991 have exercised their right to privacy by filing affidavits. Many have been located through the third party intermediary at a minimal cost of \$300.00 and have accomplished satisfying reunions. The interests of all parties have been protected.

A number of birth parents placing children post-December, 1990 have chosen a confidential adoption. Their reasons may include rape, incest, domestic abuse, child abuse and neglect, cultural, and other personal and contextual circumstances. They will not place a child and certainly will not do so in Hawaii if this bill is enacted. Adult adoptees often still want to be given the option as to when, where, and how they decide to interact with their birth parents.

There is no civil "Right To Know" that could in any way justify this legislation. There is a "Right To Privacy" protected by the Federal Constitution. There is a right to privacy specifically enumerated in the Hawaii State Constitution which affords citizens of Hawaii even greater protection. The current adoption statute protects this right and balances the interests of those who do wish to know. There is established public

policy which, for obvious reasons, favors adoptions and disfavors laws that discourage it. The State does not have an interest in ensuring that all adopted children or birth parent, no matter the circumstance, identify and contact each other. It has an interest in ensuring a strong family structure for a minor child. H.B. 1407 flies in the face of both these duties and interests.

H.B. 1407 should not be enacted.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 6:57 PM

To: JUDtestimony

Cc: hiltonpi@hawaii.rr.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: Yes

Submitted by: Hilton J. Lui

Organization: Individual

Address:

Phone:

E-mail: hiltonpi@hawaii.rr.com

Submitted on: 2/28/2011

Comments:

As the Contract Searcher for the Family Court since 1999, I wholeheartedly opposed HB 1407 for the following reason: Over the years I have become aware of the other States rules governing Family Court procedures, and have to believe that Hawaii presently have one of the best systems which allow natural parents confidentiality. Confidentiality in this matter is an individual confidentiality and should not be given to government to dictate. This I believe to be an individual right. Please consider opposing this bill.

Hilton J. Lui

To: Representative Keith-Agaran, Chair, Judiciary Committee and the House Judiciary Committee

From: K. McGlone

Re: HB 1407 Relating to adoption records March 2, 2011 Hearing

I SUPPORT HB 1407 to allow adult adopted persons 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.

Saving children from their “unsavory” beginnings of “illegitimacy” and giving them new adoptive parents, was to create a new family and to legally wipe out their origins. All involved were not supposed to look back. While most of us adoptees were raised well enough in our adoptive homes, a huge amount of evidence shows that you can’t 100% disconnect from your biological, genetic and familial origins. It is a relatively short time in history that birth certificates have been amended and the records sealed for adopted individuals. As adults, many of us whose lives were affected by the secrecy of our origins can tell you that the basic premises that underpin these laws are false. The adopted person has more than one family even when his/her adoptive family is wonderful, whether birth family members are present or not, whether there is any actual closeness between the birth family or not.

Back when adoption laws were still relatively new or being developed, publications of the US Government’s Children’s Bureau in 1941, 1946, and 1949 expressed that adult adoptees should be able to access their original birth certificates.⁴ Today the same organization, the US Government’s Children’s Bureau provides a rather nice document on how to search for birth relatives who were separated by adoption.¹ In addition, the Child Welfare League of America in their 2000 standards for adoption said that adult adoptees should have access to their identifying information.² The North American Council on Adoptable Children acknowledges that “by definition, adopted children are connected to both the family into which they were born and the family into which they have been adopted. Since those two families now belong to an extended family kinship network, open adoptions provide a greater potential for the families to work as allies on behalf of the well-being of the children.”³ We have leading child welfare organizations of today and also from back when these records were sealed saying that we adoptees should have access to our own personal information. People affected by these laws – adopted persons, birth parents, and adoptive parents, as well as social workers who helped create adoptions⁵ have written extensively and spoken on the need to reform these laws and end the secrecy. Much evidence exists to support openness.

Times have changed. Being born to an unmarried mother is commonplace. Single mothers raise children. Genealogy and genetics are known to be important. It’s time to modernize the law.

Also, the law treats adult adopted persons as perpetual children. The state was rightly involved to protect children during an adoption. However, when children grow up, there is no longer any reason for the state to remain involved with autonomous adults. Parents don’t legally control their children over the age of majority. Why is the state who originally acted to protect the best interests of the child now thwarting what adopted persons as autonomous adults judge to be in their own best interests? I’m over

50 and some of the rest of us here are over 40 and then some, and it's been a long time since we were children. Yet the law creates obstacles for adult adoptees who want to know their own truth, history and medical information.

Before 1930, birth certificates were not amended for persons who were adopted.⁴ In 1941, the Children's Bureau supported protecting adoptees from the embarrassment of a birth certificate which divulged the circumstances of their births. Yet, they suggested that a certificate of adoption might be preferable to an amended birth certificate "since the child was not actually born to the adopting parents as the amended birth record implies."⁴ They also said only "proof of age and place of birth are necessary." To underscore the disconnect between an amended birth certificate and the biological birth, I once saw a birth certificate for a person adopted by a single man that listed him as having no mother and being the race of his father that he clearly was not from his appearance.

The last point I want to make is about Hawaii and the long tradition of an inclusive 'ohana and hānai. For my dissertation, I interviewed adult Hawaiians about their experience of being hānai. The Hawaiians I talked to were not raised by their birth parents, yet as children, they all knew their birth mothers and had contact with their siblings. Some were close to these relatives and some were not. Close or not, the persons raised hānai did not have the same issues about their identity like those raised in closed adoptions. They were connected to their family and their genealogy.

Hawaiians, African Americans, and other traditional communities have known all along what modern open adoption practice knows today. While children can be well cared for in one family, they can remain connected to other family. From a close examination of the history and intent of adoption laws, the reports of those affected by the laws and from social work and mental health professionals, and the experience in states and countries where access to adoption records has been in place, it is time to modernize the adoption laws. These are a few of the reasons I support HB 1407 to allow access to birth records for adult adopted persons. I thank you for the opportunity to testify.

¹ Child Welfare Information Gateway, U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, **Children's Bureau**. (2004). *Searching for Birth Relatives: Adoption General Information Packet 3*. http://www.childwelfare.gov/pubs/adoption_gip_three.cfm (downloaded 2-19-11) Washington DC: Author.

² Child Welfare League of America (2000). *Standards of Excellence for Adoption Services*. Washington, DC: Author.

³ North American Council on Adoptable Children. (2005). *Access to records and Openness in adoption* position statements. <http://www.nacac.org/policy/positions.html#Records> <http://www.nacac.org/policy/openness.html> (downloaded 2-21-11).

⁴ Samuels, Elizabeth. (2001). The idea of adoption: An inquiry into the history of adult adoptee access to birth records. *Rutgers Law Review* 53, 367-437. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=275730 (downloaded 2-27-11)

⁵ Sorosky, Arthur, Baran, Annette, & Pannor, Reuben. (1989, 1978). *The Adoption Triangle: Sealed or opened records: How they affect adoptees, birth parents, and adoptive parents*. San Antonio, TX: Corona.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 2:45 PM

To: JUDtestimony

Cc: sammcebt@yahoo.com

Attachments: Testimony.wps (21 KB)

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Sam McLeod

Organization: Individual

Address:

Phone:

E-mail: sammcebt@yahoo.com

Submitted on: 2/28/2011

Comments:

Please don't allow small minded people to continue to perpetuate the myth that it is acceptable for people not to know their own history. It is imperative that adoptees have the same rights that children who know their birth parents have, to know their truth.

Thank you.

I oppose bill HB1407 because it takes away the birth parents' choice to have their information kept confidential. Some adoptive parents have been put in difficult situations because both the birth and adoptive families know each other or know of each other. My husband and I adopted a baby girl 30 years ago. I wrote a note through our lawyer to the birth mother thanking her for her sacrifice and letting her know that we would raise this child the very best we could and love her as the birth mother would want her child to be loved. Our daughter and another adopted girl who lived in our home for six months both said they had no desire to find their birth parents – their wishes and the wishes of birth parents need to be respected and again be given the choice to find each other if they so desire.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 9:27 AM

To: JUDtestimony

Cc: dannymac0958@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HBI407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Dan McPherson
Organization: Individual
Address:
Phone:
E-mail: dannymac0958@yahoo.com
Submitted on: 3/1/2011

Comments:

I strongly opposed HB 1407. This will destroy families. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they want to. Their names should not be on the birth certificate of the child they have placed for adoption.....

28 February 2011

Dear Judiciary Committee Members:

This letter of testimony is written in opposition to HB 1407. I oppose HB 1407. My wife and I are the adoptive parents of a beautiful daughter, who we consider to be ours in every way. My wife and I are very appreciative of the birth-parents who gave up our precious daughter for adoption. We do not want the birth-parents to have to have their names on our daughter's birth certificate, if they do not their names to be there. It should be a choice for them, not something that is dictated by law. If they choose to do so, they should be able to give written permission to have their names put on the birth certificate.

If HB 1407 is passed, I feel that it will hinder some individuals from giving up their babies for adoption, which could be a cause for much heartache for both the birth-parents and the child.

PLEASE DO NOT PASS HB 1407!

Sincerely,

James D. Lee
Laie, HI

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 10:13 AM

To: JUDtestimony

Cc: bkunio@aol.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Bruce K. Meyers, Jr.

Organization: Individual

Address:

Phone:

E-mail: bkunio@aol.com

Submitted on: 3/1/2011

Comments:

I strongly opposed HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they want to. Their names should not be on the birth certificate of the child they have placed for adoption. This shouldn't be mandatory! This should be the choice of the both the birth parents and the adoptive parents. Basically, it should stay the way it is. Kill HB 1407!

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:44 PM

To: JUDtestimony

Cc: snazzychazzy10@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: mike

Organization: Individual

Address:

Phone:

E-mail: snazzychazzy10@hotmail.com

Submitted on: 3/1/2011

Comments:

I oppose HB1407 as it eliminates the birthparent's right for privacy. Without privacy, they may turn to abortion or abandonment. I do not know much about this bill as we just heard about it but it seems that this will cause more negative consequences rather than good for the families/individuals involved.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 4:15 PM

To: JUDtestimony

Cc: moed@polynesia.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Delsa Moe

Organization: Individual

Address:

Phone:

E-mail: moed@polynesia.com

Submitted on: 2/28/2011

Comments:

I strongly oppose HB 1407. Birth parents have a right to remain confidential during adoptions and relinquishing that right may lead to an increase in abortions or baby abandonment by those who do not want their names to appear on the birth certificate. Please do not let this atrocious law pass.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:39 PM

To: JUDtestimony

Cc: tomor@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Tom Moore
Organization: Individual
Address:
Phone:
E-mail: tomor@hotmail.com
Submitted on: 3/1/2011

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.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 1:24 PM

To: JUDtestimony

Cc: dmmoscon@stoel.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Matt Moscon

Organization: Individual

Address:

Phone:

E-mail: dmmoscon@stoel.com

Submitted on: 2/28/2011

Comments:

I have adopted 2 children from Hawaii. Eachtime we met the birth parents for whom I have the greatest respect and admiration. However, both sides agreed for the birthparents privacy and for my children's peace that our respective identities would be kept private. Indeed, I believe one of our birth fathers has to this day (10+ years later) never told his family that he fathered a child out of wedlock. To force these extremely delicate relationships into the open is simply wrong. And for what purpose? Already one party wanting to contact the other can go throught the adoption agency and ask if the other side wants to have contact. If they do-- contact will be made. What benefit comes from forcing the parties to lose all abilities to maintain privacy?

First and foremost the birth parents privacy must be repected. there are those who would simply prefer an easier abortion rather than risk this private part of thier lives to be opened up. Second, adoptive families have many reasons, as times, for wanting to keep separation from biological parents until their children are mature enough and ready for these discussions. Your proposed legislation takes the right of these families to make their own decisions away and instead makes a standardized judgment that what might be right for some will work for all. That is simply false.

I strong urge you to reject and not pass this dangerous legislation.

Thank you.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 28, 2011 2:26 PM
To: JUDtestimony
Cc: amy.stansell@gmail.com
Subject: Testimony for HB1407 on 3/2/2011 2:05:00 PM
Attachments: Amy Stansell testimony.docx

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Amy Stansell
Organization: Individual
Address:
Phone:
E-mail: amy.stansell@gmail.com
Submitted on: 2/28/2011

Comments:

I write in opposition to HB 1407. I am the parent of two adoptive children and have an open relationship with their birthmother. I am the only mother these children have known since the moment they were born. Their birthmother willingly signed off all her legal rights concerning these children because she wanted me to raise them and be their mother. This was her choice and what she thought was best for them and for herself. It is my duty and right as these children's mother to nurture them, love them, guide them, and keep them safe. I will decide how and when the details of their birth will be shared with them, as I am the one who will understand their needs and how to best approach this when they are ready. This house bill takes away my right to protect them, and it also takes away their birthmother's right to privacy.

Birthmothers need privacy and have a right to it. Taking away that privacy will force many women to choose abortion over adoption, resulting in the ending of a precious life and causing much turmoil for the birthmother. In this situation, a birthmother could feel that she has no choice because she has no privacy.

I know beyond a doubt that my children's birthmother loves these children with all her heart and made the decision for adoption in an unselfish manner because of this love. She made a difficult decision and sacrificed to bring these children into the world. If you take away her privacy, you force some women to make a choice she may regret for the rest of her life. There is no reason to do so. It will not help the quality of life for birthparents, adoptive parents, or adopted children. This bill will only bring more confusion, pain, and heartache into an already difficult situation. Please let adoptive parents and birthparents continue to have the right to privacy in this sensitive issue.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 10:17 AM

To: JUDtestimony

Cc: nancynavas64@yahoo.com

Attachments: I oppose bill HB1407.docx (10 KB)

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Nancy Navas

Organization: Individual

Address:

Phone:

E-mail: nancynavas64@yahoo.com

Submitted on: 3/1/2011

Comments:

All parties involved in the adoption process should be considered and respected.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:52 PM

To: JUDtestimony

Cc: ormed001@hawaii.rr.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: comments only

Testifier will be present: No

Submitted by: Carol Orme

Organization: Individual

Address:

Phone:

E-mail: ormed001@hawaii.rr.com

Submitted on: 3/1/2011

Comments:

I think that HB1407 should be reconsidered. People should have the right to choose if their name is on the birth certificate. Only IF the ADOPTIVE PARENTS agree to have the biological parents names on the birth certificate. Biological parents should have the right to choose for themselves, and not be forced by law to put their name on the birth certificate, taking away their right to have things kept private and confidential. Also the adoptive parents should be allowed to be the ONLY parents in THEIR child's life. Allow the adoptive parents their rights, to say yes or no as to whether the biological parents names can or cannot be on the birth certificate. I think a law enforcing that biological parents names be written on the birth certificate will lead to so many negative situations, such as more abandoned babies, more abortions, legal claims on children, are to just name a few.

I am very opposed to HB1407. While I somewhat understand the desire to help adopted children find their birth parents, I do not understand at all the idea of forcing birth parents to identify themselves. Adoption is one of the few logical alternatives to abortion or single parenthood (especially for teens), and forcing a birth parent to identify themselves to the world and to the child will undoubtedly negatively impact the good that comes of adoption. I have many cousins who were adopted, many friends who have adopted, I have counseled young birth parents, and know many of them thru their friendships with my children...from that experience I can easily conclude that HB1407 is a very bad idea that probably started out with some good intentions. Please maintain the American principle of freedom to choose, and help protect the current adoption process that provides a safe alternative to so many children and their birth parents. I applaud adoptive parents who help adopted children have a relationship with their birth parents, but only if the birth parents and the child want that to happen. For heavens sake (and everybody else's sake) please do not force them, or the adopted child, or the birth parents to do so.

Thank you,
David Orme

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 12:49 PM

To: JUDtestimony

Cc: jjcosburn@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Jill Osburn

Organization: Individual

Address:

Phone:

E-mail: jjcosburn@yahoo.com

Submitted on: 3/1/2011

Comments:

I oppose to this amendment since I feel the birth parents have the right to their privacy and if they wish to be left alone.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Saturday, February 26, 2011 5:54 PM

To: JUDtestimony

Cc: zebra126@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Annmarie Pascuzzi

Organization: Individual

Address:

Phone:

E-mail: zebra126@gmail.com

Submitted on: 2/26/2011

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....

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 10:42 AM

To: JUDtestimony

Cc: kolekolea@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Jennie Peterson

Organization: Individual

Address:

Phone:

E-mail: kolekolea@gmail.com

Submitted on: 2/28/2011

Comments:

I am a birthmother who whole-heartedly supports the rights of EVERY adult adoptee, no matter when they were born, to have access to their original birth-certificate. All adult adoptees should have the same access. Many times I have been told that birthmothers were promised confidentiality. I never received that promise and have never met a birthmother who has. I do not believe it is legal or moral if such a promise was made. The legitimate rights of adult adoptees are the foremost concern. Please support HB1407 to permit ALL adoptees the right to their personal documentation.

Sincerely,

Jennie Peterson

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 7:38 AM

To: JUDtestimony

Cc: jandlpritchard@aol.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Joan M. Pritchard
Organization: Individual
Address:
Phone:
E-mail: jandlpritchard@aol.com
Submitted on: 3/1/2011

Comments:

Adults adopted as children no longer need protection. As autonomous adults, they can decide for themselves what is in their best interests.

I believe that we all have the right to know where we come from, and have our medical, genetic and genealogical history

Denying adult adoptees their birth information raises significant civil rights concerns, since all other Americans have access to their information.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 10:30 AM

To: JUDtestimony

Cc: kathy.pulotu@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Kathy Pulotu

Organization: Individual

Address:

Phone:

E-mail: kathy.pulotu@gmail.com

Submitted on: 3/1/2011

Comments:

This bill will strip the ability of those individuals most interested, knowledgeable, and capable to make the right decisions for the people involved.

Please vote for individuals' rights to privacy. Vote to defer this bill.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 7:41 AM

To: JUDtestimony

Cc: drampton@cinci.rr.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Tracy Brubaker Rampton
Organization: Individual
Address:
Phone:
E-mail: drampton@cinci.rr.com
Submitted on: 3/1/2011

Comments:

As an adoptive parent with two adopted children, I have never been opposed to them locating their birth parents, which can be done by signing the National Registry. However, I do not think that it is appropriate for anyone to have to have their names on a birth certificate when they have chosen to have a closed adoption and do not want their confidentiality denied! My son's father absolutely did not want to be contacted, ever. He has met his birth mother and half-siblings, but this was done by consent of all. It wasn't mandated by law. There are options now for open adoption. Do not cause more grief for young mothers in making a decision that affects many involved. Without the ability to have confidentiality, many young women may decide to terminate the pregnancy rather than giving the gift of life to another family. I strongly oppose House Bill 1407.

DATE: February 26, 2011

TO : Representative Keith-Agaran, Chair of the Judiciary Committee
Hearing Date : 3/2/2011 2 :05 pm

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

RE : HB 1407
Relating to Adoption Records

I am submitting testimony in SUPPORT of HB 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.

Please take note of our strong opposition to HB 1407. Allowing birth parents to continue to have the right of confidentiality is beneficial to society. A system in which expectant mothers in difficult circumstances give up their babies for adoption into loving and well-qualified parents is a huge win-win. The passage of HB 1407 would make it more likely that expectant mothers in difficult circumstances will choose abortion over adoption, which is damaging to the individuals involved and to the community.

Denny Roy
Brittney Roy
2499 Kapiolani Blvd., No. 1009, Honolulu

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 8:21 PM

To: JUDtestimony

Cc: hauanusantiago@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Kehau Santiago

Organization: Individual

Address:

Phone:

E-mail: hauanusantiago@gmail.com

Submitted on: 2/28/2011

Comments:

In my birth records it only list my natural birth mother does not list natural birth father.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 4:05 AM

To: JUDtestimony

Cc: siegelnancy@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Nancy Siegel
Organization: Individual
Address:
Phone:
E-mail: siegelnancy@gmail.com
Submitted on: 3/1/2011

Comments:

Greetings Members of the Judiciary Committee,

I write in opposition to HB 1407. I adopted my daughter Zoe, in Hawaii, when she was just a one day old and am so grateful to be an adoptive parent.

Many young girls seek to have their babies adopted for one reason - so they can make a good decision out of a bad decision and START OVER. How is a young girl to feel she can start her life on a new track, go to college, marry a good man, and start a new family if all the while her name is publically connected to a baby she gave to another family? Most girls appreciate their right to privacy and anonymity. And consequently most girls would shy away from the adoption option if they had that right taken away. I firmly believe that this would lead to more abandoned babies and more abortions.

Also, many single adults and married couples rely on sperm banks or egg donors in order to have a baby. Will the sperm or egg donor be listed on the birth certificate? I believe we will see a dramatic reduction in sperm and egg donations if the donors' right to privacy is taken away.

As it is, adopted children can access their original birth certificate when they turn 18. This allows for them to be relatively prepared with some level of maturity and life experience before and if they choose seek out their birth parents. Some adoptive parents choose to tell their child about their adoption and their birth parents at a much earlier age. This decision is made by loving parents, based on the emotional needs and maturity of the child. The whole story of the adoption is shared in a sensitive, private, individualized manner. The parents of the child know best how, when and if this should be done and certainly NOT the government. Children are unique individuals not items on a mass-production line. Their adoption history should be a personal, private matter for them to disclose if they choose when they are ready. HB 1407 denies them that right.

Please vote to defer this bill.

Sincerely,

Nancy Siegel
206-774-8787

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 10:47 AM

To: JUDtestimony

Cc: lisa.singh@byuh.edu

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Lisa Singh
Organization: Individual
Address:
Phone:
E-mail: lisa.singh@byuh.edu
Submitted on: 3/1/2011

Comments:

Dear Committee,

I STRONGLY OPPOSE HB 1407.

Someone close to me who wishes to remain confidential is a birthparent who placed a child for adoption. The adoption was VERY confidential and had it not been confidential, it would have negatively affected the lives of many people who were unaware of the pregnancy. It would be a crime of privacy to mandate that birthparents' names be on the birth certificate without their permission.

I also have close friends that have adopted children and have wonderful families even though they could not have their own birth children. I believe this law would affect them negatively. If a law like this had been in place, chances are some of their bright, talented, and happy children may have been aborted and would have never had the opportunity of having these loving families embrace them in to their homes. The mothers who aborted them may have had to deal with lifelong emotional scars as well. There are so many ramifications to the passing of this law that make it very UNWISE. PLEASE do not pass this law.

Sincerly,
Lisa Singh

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 12:55 PM

To: JUDtestimony

Cc: skafdaniel@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Daniel Skaf
Organization: Individual
Address:
Phone:
E-mail: skafdaniel@yahoo.com
Submitted on: 2/28/2011

Comments:

Greetings Judiciary Committee,

I write in opposition to HB 1407. I adopted my daughter, Julianna, when she was just a few days old. Her original birth certificate is kept confidential in the state where she was born. My name is listed as Father on her current birth certificate. This is the way it should be.

I have several reasons for feeling this way.

First of all, many young girls seek to have their babies adopted for one reason - so they can make a good decision out of a bad decision and START OVER. How is a young girl to feel she can start her life on a new track, go to college, marry a good man, and start a new family if all the while her name is publically connected to a baby she gave to another family? Most girls appreciate their right to privacy and anonymity. And consequently most girls would shy away from the adoption option if they had their right to privacy taken away. I firmly believe that this would lead to more abandoned babies and more abortions.

Also, many single adults and married couples rely on sperm banks or egg donors in order to have a baby. Will the sperm or egg donor be listed on the birth certificate, too? I believe we will see a dramatic reduction in sperm and egg donations if the donors' right to privacy is taken away.

As it is, adopted children can access their original birth certificate when they turn 18. This allows for them to be relatively prepared with some level of maturity and life experience before and if they choose seek out their birth parents. Some adoptive parents choose to tell their child about their adoption and their birth parents at a much earlier age. This decision is made by loving parents, based on the emotional needs and maturity of the child. The whole story of the adoption is shared in a sensitive, private, individualized manner. The parents of the child know best how, when and if this should be done and certainly NOT the government. Children are unique individuals not items on a mass-production line. Their adoption history should be a personal, private matter for them to disclose if they choose when they are ready. HB 1407 denies them that right.

My last reason for opposing HB1407 is rather personal.

I am deeply, emotionally, spiritual, and mentally dedicated and connected to my precious daughter, Julianna. I AM HER FATHER. I do not consent to sharing my title with anyone. She is my daughter and no one else has claim on her. I feed her, bathe her, dress her, protect her, teach her, defend her, plan for her future, and have loved her with all my heart and soul, every single day, every hour, every minute from the day she entered my life. While I appreciate the young boy who had a brief role in her creation, under no circumstances should he be considered her father. He has no right to be publically listed as her father. I AM HER FATHER.

Please vote to defer this bill.

Sincerely,
Daniel Skaf
Waialua, HI
232-9772

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 12:45 PM

To: JUDtestimony

Cc: roger.skinner@hawaiiantel.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Roger Skinner

Organization: Individual

Address:

Phone:

E-mail: roger.skinner@hawaiiantel.com

Submitted on: 3/1/2011

Comments:

As a spiritual leader in our church with several adoptive parent situations I fail to see how in good conscience you can expose all of the previously confidential cases that have taken place because of existing laws. You will cause people to lose confidence in the the laws they expect to remain in force. This is a very bad idea for our society, and may actually weaken our social structure in the future.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 6:30 AM

To: JUDtestimony

Cc: vralii@hawaii.rr.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Voi Ray Taeoalii

Organization: Individual

Address:

Phone:

E-mail: vralii@hawaii.rr.com

Submitted on: 3/1/2011

Comments:

I strongly oppose HB1407. I believe this removes the confidentiality and privacy of birthparents. I know of parents who have placed their children for adoption and would not want their names on the birth certificate of the child who has been placed for adoption for very personal reasons. It was the choice of the parents to place their child for adoption. So, it should also be their choice if they want their names on the birth certificate of the child. The parents who adopt a child can choose not to adopt a child whose parents do not want their names on the birth certificate.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:18 PM

To: JUDtestimony

Cc: talamantesmem@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: Yes

Submitted by: Margaret Talamantes

Organization: Individual

Address:

Phone:

E-mail: talamantesmem@gmail.com

Submitted on: 3/1/2011

Comments:

I oppose bill HB1407. I feel the option of anonymity should be given to those who want it. For some of these individuals we do not know why they are choosing adoption but it should be their choice to let others know who they are or to keep it to themselves and the few who are privy to this adoption. Because this is such a major decision in their lives and can have lasting ramifications we have no understanding of, this decision should be theirs. Let them decide at a later date if they want to make it known or not as the law already allows.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 8:32 AM

To: JUDtestimony

Cc: maryloutaylor1296@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Mary Lou Taylor

Organization: Individual

Address:

Phone:

E-mail: maryloutaylor1296@gmail.com

Submitted on: 3/1/2011

Comments:

I am opposed to this bill. This is not right. The confidentiality should be up to the birth mother. If she wants it to be open or closed it should be up to her. She is giving a lot.

DATE February 10, 2011

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

FR : Karyn Tercy, MSCP

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

I am submitting testimony in SUPPORT of S.B. No. 1510 and HB 1407

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

As a birthmother I carried the pain of surrendering my baby for his entire life. While I firmly believed that relinquishment was in his best interest because I was unwilling to marry his father, the loss of the child I carried for nine months was a weight that pulled me down. I wanted to meet him but never expected it to happen. When he found me almost 13 years ago, my life turned right side up. He, his adoptive parents and I have formed a relationship of people who love each other. I filled in the blanks for my son and he allowed me to release the burden of sadness I carried for so many years. Both our lives have changed dramatically for the better.

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.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 8:23 PM**To:** JUDtestimony**Cc:** storymom2@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Glade Tew
Organization: Individual
Address:
Phone:
E-mail: storymom2@gmail.com
Submitted on: 2/28/2011

Comments:

From the testimonies already submitted it might seem that everybody approves of HB 1407. I assure you that this is not true and that there are many people who oppose. I am an adoptive father. My wife and I have adopted five children who are now ages 18 to 3. I feel very strongly that this bill should be rejected. Below are some reasons.

1. Adoptions are already relatively rare in Hawaii and in the United States. Some birth mothers want the facts of their pregnancy kept private. They do not want it known. They want to "give up" their child for adoption because that is what they believe is best for their child. If the birth mothers thought that the adoption would become known they would have never gone through with the adoption in the first place. While there are some birth mothers who do not feel this way, there certainly are others who do. For the sake of birth mothers and birth children, please respect the desire for privacy while providing a non-required option for those who do want to be known publicly. This proposed bill would take away this option which would be very stressful for some birth mothers.

2. There should not be two sets of parents listed on the birth certificate. Adoptive parents have accepted full parental responsibilities for their children. They have responsibility for financial, medical, and legal support, and of course they want to give full parental love. That's why they adopt. There should be no confusion on the birth records as to who the parents are, and that confusion could exist if three or four names are listed. Birth parents have voluntarily given up all their responsibilities. Some also do not want to be known. And some birth fathers will disavow their birth relationship if it is to be added to the certificate. Please do not change this law.

3. If one of our children wanted to find his/her birth parents we as parents will be supportive. Our oldest daughter just recently turned 18 and wants to meet her birth mother. She was adopted as a baby in another state. We are very supportive. We have helped fill out the forms and paid money to a state-licensed investigator who will seek to locate her birth mother. We very much hope that she will want to meet our daughter. However, we strongly believe that the birth mother should not be required to make herself known. This should be her right, as well as the right of the birth father too, if they for any reason are not comfortable and do not want to lose their privacy.

In summary, I am very strongly opposed to the HR 1407 bill. Please carefully read the testimonies of the opposition. I petition and urge all legislators to vote against the bill.

Thank you,

Glade Tew
Oahu

P.S. This is my second attempt to submit my testimony online. I believe the first attempt failed to go through so I am following up with a second submission. Thank you.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 5:45 AM

To: JUDtestimony

Cc: athomp27@gmail.com

Attachments: HB1407.docx (64 KB)

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Adam Thompson

Organization: Individual

Address:

Phone:

E-mail: athomp27@gmail.com

Submitted on: 3/1/2011

Comments:

HB1407 might as well be called "Operation Stop Adoptions". There are already too few babies being offered for adoption than should be. Too many broken homes with children as the victim with no fault of their own because of irresponsible parents' decisions. Fortunately those that do have the sense to realize they can't provide the best life for their kids do give those children an opportunity for a more rich upbringing.

With this bill those that are responsible to give their children a better life will be pressured into either getting an abortion or abandoning their children. For those who may have gotten pregnant involuntarily the anonymity for birthparents not only protects them but it also protects the children from unnecessarily learning of the situation ever or until their mature enough to deal with it. The liberal thinking of "But they should have a right to know" is completely folly and unfounded. Who better to know what's best for their children than their [adoptive] parents, NOT the court.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 8:20 AM

To: JUDtestimony

Cc: kendrathompson88@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Kendra Thompson

Organization: Individual

Address:

Phone:

E-mail: kendrathompson88@gmail.com

Submitted on: 3/1/2011

Comments:

There are many different reasons why a child could be put up for adoption, but in any case the parents give up their right to the child and should not be forced to have a connection to that child once the child has been placed in the care of a loving family. There is a bad stigma to having a child that you shouldn't have had and it is not fair to forever have that in the public's eyes. What about the poor rape victims? What about the teenager who made a bad choice? They have the right to move on with their life and not have that information open. Adoption is not an easy choice, and anything can tip the scales of whether they should put the child up for adoption or revert to abortion or abandonment. If the biological parents do not have the right to remain anonymous, many will revert to these more tragic options. The family of the child also has the right to choose when and how the child finds out who their biological parents are, if ever. They know the child best and can decide what is best for the child. How can we generalize such an important and intimate decision? Every situation is different and should be treated as such.

March 1, 2011

Members of the Judiciary Committee,

I strongly opposed HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they want to. They should be given the choice by allowing them to give written permission to have their names put on the birth certificate, if they desire to do so.

Many young girls and women seek to have their babies adopted for one reason or another, many so they can make a good decision out of a bad decision and start over. Most young girls and women appreciate their right to privacy and anonymity. HB 1407 denies them that right.

Respectfully request that the Committee not pass this law.

Sincerely,

A handwritten signature in cursive script that reads "Mel Tsutahara".

Mel Tsutahara

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:16 PM

To: JUDtestimony

Cc: paula1874@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Paula Vilburn
Organization: Individual
Address:
Phone:
E-mail: paula1874@gmail.com
Submitted on: 3/1/2011

Comments:

I oppose HB1407.
Making changes like this retroactive may be a convenience for adoptees but life altering for parents that have wanted a fresh start and are doing well with their lives. Many having new families and friends that do not know about them generously giving up a child for adoption that they could not take care of. Also requiring this information on all birth certificates opens up the possibility that a teacher or someone other than their parents might tell a small child he is adopted before the parents think he is ready to handle it. If you must pass this bill please put limitations on it such as a waiting period of at least 25 years and then not make it retroactive. It is unfair to mothers that have given children up for adoption under the condition that the adoption is sealed to suddenly have that condition deleted. I have never adopted or given a child up for adoption but I have know many in both those situations. By taking away the option of having a closed adoption, you will be increasing the number that pick abortion rather than pick adoption and limiting the chances for many loving couples to adopt a child because there are not as many children available. I understand the need for some adopted children to find their birth parents but it should not be at the cost of those mothers that lovingly gave them up so that the child could have a better life.

Please do not pass this bill.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 1:48 PM

To: JUDtestimony

Cc: falenangel1973@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Jennifer Wagner

Organization: Individual

Address:

Phone:

E-mail: falenangel1973@yahoo.com

Submitted on: 2/28/2011

Comments:

I strongly disagree with opening all records against Birth parents wishing. Having Confidential protection brings many mothers to adoption instead having an abortion. Birth parents need to have a choose.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 8:25 AM

To: JUDtestimony

Cc: sixwagners@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Lisa Wagner

Organization: Individual

Address:

Phone:

E-mail: sixwagners@hotmail.com

Submitted on: 3/1/2011

Comments:

I am totally opposed to this bill. The birth mother should have the right for her adoption to be confidential if she wants. In America we have our right to chose--- don't take this away because you are making a law. People should have their choice.

Wednesday, March 2, 2011

TO: Representative Gilbert Keith-Agaran, House Judiciary Committee Chair
FR: Jacquelyn Wesolosky
RE: HB1407: Relating to Adoption Records

My testimony is in SUPPORT of HB1407

Aloha. Thank you for hearing my testimony.

I AM A BIRTHMOTHER. I am saying these words for the first time in a public forum this legislative session 2011. . . 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. Lifelong anonymity was not offered to me, to any birthmother; it was imposed upon them. I was told to forget and to return home and to honor my parents and to keep the secret forever-for the sake of my child. 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. 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 Art..

In July 2008 my son and I found each other. Both of us 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. Across the country we are slowly passing laws which open the records to adoptees and to both sets of parents. The healing process has begun. In Hawaii, I believe that we are a most sensitive and forward thinking people, 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 law as written are not fair nor are they compassionate. They are judgmental. The adoption law determines who can and who cannot know their genetic and cultural identity. The implications are that some of us are right and some are wrong and some of us need to be protected (say this to a 40 year old adoptee whose identity is locked in the drawer...no access allowed).. And just who are they being protected from. From me? 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 for him, 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 at a time in my life when I am looking for support...to heal what should have been healed 40 years ago. I find the support of the Adoption Circle of Hawaii to be invaluable. For 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 outstanding psychological research 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 embedded into that adoption, 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. It has been an honor for me to have the opportunity to speak with you. Jacquelyn
Wesolsoky

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 1:15 PM

To: JUDtestimony

Cc: rachelwhitchurch@hotmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Rachel Whitchurch

Organization: Individual

Address:

Phone:

E-mail: rachelwhitchurch@hotmail.com

Submitted on: 3/1/2011

Comments:

I strongly oppose HB 1407 because it takes away all privacy from birthparents. It also removes confidentiality. I believe that birth parents should be given the right to CHOOSE if they want their records open or closed. Their names SHOULD NOT be on birth certificates of the child they have placed unless there is written consent. Birth parents have the right to choose to let their adoption be private and confidential. If they do not have this option they might resort to desperate measures such as abortion or abandoning their babies- which is a horrible result for all involved. Please respect the rights of birth parents.

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!

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 11:15 PM

To: JUDtestimony

Cc: dbam@hawaii.rr.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Brandi Wong

Organization: Individual

Address:

Phone:

E-mail: dbam@hawaii.rr.com

Submitted on: 2/28/2011

Comments:

I strongly oppose HB1407 as it eliminates the privacy of the birth-mother. Her right to confidentiality must be preserved. The names of the birthparents must not be mandated to be on the birth certificate of an adopted child, but it should be the choice of the birth parents whether to be so recognized.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 4:32 PM

To: JUDtestimony

Cc: monroewoollard@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: monroe woollaqr d msw lsw

Organization: Individual

Address:

Phone:

E-mail: monroewoollard@gmail.com

Submitted on: 2/28/2011

Comments:

I am an adoption executive for four agencies over the past forty years placing over five thousand children. Extensive national studies have universally concluded voluntary anonymity serves children better than mandatory disclosure. This is due to bio parents selecting this option have good reason to do so and their disclosure to offspring would only traumatize the children.

March 2, 2011

TO : Rep. Gil Keith-Agaran
Chair

Rep. Karl Rhoads
Vice Chair

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

RE : **Support for H.B. No. 1407**

Our lives begin to end the day we become silent about things that matter.

Martin Luther King, Jr.

I was raised by adoptive parents who took me home from the same hospital where my birthmother signed her relinquishment papers. When at age 33, I found my birthmother after a decades long search, she shared that had she 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. Relatives of my birthfather have confirmed his condition, and have speculated that he was suffering from PTSD as a result of his service during WW2. Sadly for her, while she saved our lives, her grief from this difficult decision remained with her throughout her life. She and I maintained a 20-year relationship including visits with her and my adoptive parents, and cousins and uncles whom I still see even after her passing in 2009. In her honor and memory, I remain dedicated to helping adoption triad members heal by providing emotional support and advice to others searching for family members lost due to adoption.

There is no compelling state interest directing family court to be involved in preventing parties to the adoption from viewing their own family records, especially once the adopted individual becomes an adult and is thereby emancipated from their parents. The family court should not be involved in protecting people from each other simply because they were involved in an adoption – what is the stigma surrounding adoption that needs to remain such a secret? The adult parties to the adoption should be allowed to address the consequences of the adoption without family court intervention. Whether they meet (or not), whether they like each other (or not), that should be left to them to sort out as do many other adults in blended family relationships.

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 adopted individual to erase history that is solely theirs (not the state's) and does not support sharing of information between birth and adoptive families that is in the best interest of the adopted child.

Family matters. History matters. Our story matters – even if it isn't pretty. For most who are part of the adoption triad, the silence of sealed records is deafening. Please support breaking the silence for those who need and want to know their family history.

Mahalo for taking the time to read my testimony and I request your favorable consideration of this measure.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 6:10 PM

To: JUDtestimony

Cc: akoib@polynesia.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Robert Akoi, Jr.

Organization: Individual

Address:

Phone:

E-mail: akoib@polynesia.com

Submitted on: 2/28/2011

Comments:

I strongly opposed HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they want to. Their names should not be on the birth certificate of the child they have placed for adoption.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 6:08 PM

To: JUDtestimony

Cc: rwai@hawaiiantel.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Robert M. Wai Jr

Organization: Individual

Address:

Phone:

E-mail: rwai@hawaiiantel.net

Submitted on: 2/28/2011

Comments:

I am opposed to the bill allowing public access to adoption records. It seems to me as a doctor, that this bill also violates federal HIPPA regulations which protects privacy of personal information. We are not talking freedom of information for freedom's sake, we are talking legislating loss of privacy for no reason at all. I have tried to see the other side and I can see no "greater good" to come from this legislation; only the self aggrandizement of a group saying, "see, the tail can wag the dog!"

I am the father of an adopted daughter since she was 2 weeks old. We are a local family of polynesian / oriental ethnicity (ie: dark hair and eyes and tan). Our daughter is fair and blonde and light eyes. We raised her as a member of our family with no references to physical differences in appearance. She used to get upset when she couldn't get as tan as her siblings. When she talked of marriage she talked of marrying a local guy cause she didn't find much in common with the Haole friends she had. This was differences in cultural upbringing, not ethnicity. She married a Hawaiian-Filipino-Haole boy. She lives on the mainland now and dreams of coming "home" someday soon when her family can make the job transfer.

Twice when she was young, her biological mother (gave her up because she was a senior in high school and didn't want to impact her future) tried to contact her (against her signed agreement not to make contact). We were able to prevent it because we wanted to wait until she was an adult. When she was 18 we gave her the opportunity to contact her birth mother, she didn't want to do so because she said we were her family, not her birth mother. After being married, her birth mother (using a detective) found and contacted her. My daughter had a phone conversation and exchanged pictures but has declined further contact because she has no interest in this lady.

Her birth mother wanted to contact her to compare the daughter she gave up with the daughters she bore after she married. I think this is behind a lot of mothers inquiries. This is selfish and will only lead to the adopted child questioning their origins and their reason for being in existence (ie: am I someone's mistake or was I just in the way?). Neither question can be answered to completely satisfy the child, I guarantee that. The only life long stabilizing answer to such a question is not words, but the foundation of a stable, loving family. This is the building block of a great nation. If a child wants the information, then ways are available to get it, but don't feel that it is the right of every child to have "you are adopted", "you are adopted", "you are adopted", "you are adopted", shoved in their face, at every turn in their life. Guess what, they know that already! The adoptive child gains nothing by legislating that fact.

Robert M. Wai Jr

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 5:58 PM

To: JUDtestimony

Cc: mthyde@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Matthew Hyde

Organization: Individual

Address:

Phone:

E-mail: mthyde@gmail.com

Submitted on: 2/28/2011

Comments:

Please consider: why do we so protect the right to privacy when it comes to pro-choice but when it comes to adoption laws, you all want to strip the right to privacy and anonymity. It's backwards thinking.

Please reconsider your decision and vote for maintaining the current law of anonymity and privacy in adoption. consider that if the law is changed, how many more abortions could be the result of this law.

Thanks for your service

M.T. Hyde

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 5:56 PM

To: JUDtestimony

Cc: paaluaw@polynesia.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Wilda Paalua

Organization: Individual

Address:

Phone:

E-mail: paaluaw@polynesia.com

Submitted on: 2/28/2011

Comments:

I STRONGLY OPPOSE HB 1407. It completely removes confidentiality and privacy of birthparents. Birthparents should be given the right to keep their records closed if they desire to. Their names should NOT be on the birth certificate of the child they have placed for adoption.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 5:37 PM

To: JUDtestimony

Cc: alohayall@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Jessica Hyde

Organization: Individual

Address:

Phone:

E-mail: alohayall@gmail.com

Submitted on: 2/28/2011

Comments:

I wanted to write because I strongly oppose bill 1407. I want to support the right to privacy for both birth parents and adoptive parents. As an adoptive mother I greatly respect and honor the woman who made the decision to give her baby for adoption. For many women, hawaii is a refuge. It offers anonymity and privacy from the cultural ramifications that often accompany an un-married pregnancy. This bill would put many women at risk. Please secure our privacy and the privacy of many women who are choosing to do what is best for them and their children. Thank you.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 5:53 PM

To: JUDtestimony

Cc: mikedang2000@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Mike Dang

Organization: Individual

Address:

Phone:

E-mail: mikedang2000@yahoo.com

Submitted on: 2/28/2011

Comments:

I oppose HB 1407. I am an adoptive parent of two children who are mine in every way. My wife and I love their birthparents very much. We would not want the birthparents to have to have their names on our children's birth certificates if they do not want it there. It should be a choice for them. They should be able to give written permission to have their names put on the birth certificate....

Date of hearing: 03/02/11

To: Representative Keith-Agaran, Chair
Representative Karl Rhoads, Vice- Chair
House Judiciary Committee

Name: Dana Frye, Tallahassee, Florida 32303

Ref: Support for **HB 1407**

Though you do not know me, I can give not one, not two, but three personal stories of adoption. There is also a listing included, of reasons opening records for adoptees should be not only accessible, but also mandatory.

- 1) Myself- My father adopted me and the love is strong. He isn't however my biological father and as the years went on, and I grew, there was always what felt like a small piece of myself, out there, waiting on me to hunt for it. At my husband's urging (and worry for our children's medical health) I began my hunt, and am now blessed to say, that though my father hasn't changed, I have made a strong bond with biological dad AND his family.
- 2) I took custody of my nephew, who was being raised by a grandmother and mother that should never, have had custody. This twelve year old has been through more than most of us will endure in most of our adult lives. His very FIRST request upon being placed in my home?

"Aunt Dana, will you help me find my daddy?"

With the help of Florida's judicial system, his father was found and with utter joy and tears, father and son are working on building a relationship. Come to find out, dad hadn't known until a few years ago that he even HAD a son. Upon discovery (notice of child support) he requested to learn more, and due to the biological mother losing custody, was told he had no rights. No, that isn't what's legal, but it is what happened. What would have happened had he found out sooner? Could this little boys childhood have been better?

**** Without the aid of open records, cases such as this will continue falling through the cracks. You don't need to admit verbally they exist, you simply know the cracks are there. So why not institute a safeguard? ****

- 3) One of your own, a very near and dear Hawaiian buddy Jan, is adopted. Thought she adores her adopted family, she has yearned for information on her birth family. Seeing her struggle in her search, and knowing of her medical struggles urged me to write to you.

For one moment, cast aside the yearning...she has medical issues which might, or might not, be able to be resolved, with some biological background.

Though I have mentioned the family aspects, curiosity aspects and yearnings, medical is quite serious and in some cases, can be *life or death*.

Ask yourself this simple question- Why do most families give up the child?

- 1) Cant' afford. 2) Not set up. 3) No support.

Now, what do all three of those things have in common?

All pertain to what is best for the child. So if in most (not all) cases if to give their baby what is best, would that not include, safeguarding their lives?

Whats the very first thing you MUST do (Mandatory) at a doctors office, Hospital or even Dental Office?

Fill out the medical background questioner. Are there not areas for mother, father, grandfather, etc? So if it weren't a medical big deal, then why would all of the above request it?

Please, please take into consideration, the safety reasons, if nothing else, into why this is a critical request being made.

With much hope,

Mrs. Dana M. Frye

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 5:29 PM

To: JUDtestimony

Cc: stuart.wolthuis@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Stuart Wolthuis

Organization: Individual

Address:

Phone:

E-mail: stuart.wolthuis@gmail.com

Submitted on: 2/28/2011

Comments:

Aloha, I have read through HB1407 on-line, thank you for providing legislative transparency.

As an adoptive father I oppose HB1407; my child's adoption was a "closed adoption" by choice of the birth parents and should stay that way. I respect the right of all birth parents to maintain their anonymity, HB1407 removes that right and requires inclusion of personal information of the birth parents on a birth certificate.

I'm also concerned that this legislation will influence unwed-expectant mothers seeking adoption as a way to start over to seek abandonment or abortion as a way to maintain anonymity.

Mahalo for your consideration,
Stuart L. Wolthuis, Hawaii registered voter

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 5:20 PM

To: JUDtestimony

Cc: mona@lava.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Mona Wengler

Organization: Individual

Address:

Phone:

E-mail: mona@lava.net

Submitted on: 2/28/2011

Comments:

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 5:10 PM

To: JUDtestimony

Cc: amc79@byuh.edu

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Aaron Curtis

Organization: Individual

Address:

Phone:

E-mail: amc79@byuh.edu

Submitted on: 2/28/2011

Comments:

I'm concerned about the implications of House Bill 1407. I have two adopted brothers, and am aware of some of the complex circumstances that can arise around one or both of the birth parents' identity. I believe that adoption provides birth parents, particularly birth mothers, privacy and a sense of control over their lives. I fear this bill would undermine the rights of adoptive parents and set a dangerous precedent for other future privacy-related legislation.

Thank you,

Aaron Curtis

Laie, Hawaii

Mahalo,

Aaron Curtis

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 2:00 PM

To: JUDtestimony

Cc: staceylcannon@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Stacey Cannon
Organization: Individual
Address:
Phone:
E-mail: staceylcannon@gmail.com
Submitted on: 3/1/2011

Comments:

Members of the Judiciary Committee, Aloha!

I write in opposition to HB 1407.

We adopted both of our daughters when they were just days old. We love them with all our hearts and souls. We also love their birthparents dearly. We are amazed by their strength of character, courage to place their babies in a good family, and their deep love for their daughters. We have a very open relationship with them. We are 'Ohana. I am not opposed to their names being placed on the birth certificate with their written consent. HOWEVER, I DO NOT believe their right to choose confidentiality should be taken away. Together with our daughters' birthparents we have chosen an open adoption, which I truly feel can be a great blessing to all parties involved, but I also understand there are different circumstances and those individuals who WANT or NEED their information to be kept confidential. For example, one of my family members placed a baby when she was 16 years old. Her boyfriend was very abusive, threatened bodily harm to her and the baby, and was placed under a restraining order. Her identity was kept confidential for the safety of her and the baby. To force open her records would not only place her in an awkward situation with the current family she is raising, but could also place her in physical danger. It would be an invasion of privacy to mandate that her name, and all birthparents' names, be placed on the birth certificate without their permission. Please do not pass this law.

I recognize that there are times when information, especially medical information is desired and needed from birthparents. As I understand, at this time, if a request for birthparents' names is made to the Family Court, the law DOES allow for a court approved agent to look for the birthparent and ask them if they want to have their names given out. If they don't, they can sign an affidavit requesting confidentiality. If they want to be connected with the other parties, their name is given out. I am open to supporting a measure that makes connecting birthfamilies easier, but not at the expense of taking away birthparents' freedom to choose confidentiality. With House Bill 1407, birthparents would have no choice concerning confidentiality. Most girls appreciate their right to privacy and anonymity, and many would likely shy away from adoption if that right to privacy was taken away. They may revert to abortion as a desperate measure or even abandon their babies.

I strongly oppose HB 1407. It completely removes confidentiality and privacy for birthparents. They should be given the right to keep their records closed IF they CHOOSE to. Please vote to defer this bill.

Mahalo Nui Loa,
Stacey Cannon

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 2:01 PM

To: JUDtestimony

Cc: kaholokai@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Linda Kaholokai

Organization: Individual

Address:

Phone:

E-mail: kaholokai@gmail.com

Submitted on: 3/1/2011

Comments:

I strongly oppose Bill #1407. As a parent through adoption, I feel this bill is a direct assault on an individual's rights to privacy--both the birth parents' rights and the rights of the child through adoption. A child's birth story is his/her own very personal private story--to be told to him by his/her parents in a loving and timely manner. A child who joins a family through adoption, should not be forced to carry a birth certificate through life with names of individuals he/or she may have no relationship with, who have never had a role in parenting that child.

Birth parents, with the same right to their own private personal birth story, should not be forced to place their names on a birth certificate of a child they placed in confidentiality. This should be done only by the choice of the birth parents and with agreement by the adoptive parents.

It is not the role of the state to interfere with an individual's rights to privacy. Please do not pass this bill.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 2:01 PM

To: JUDtestimony

Cc: michelle.fuluvaka@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Michelle Fuluvaka

Organization: Individual

Address:

Phone:

E-mail: michelle.fuluvaka@gmail.com

Submitted on: 3/1/2011

Comments:

I strongly oppose HB 1407. At adoption the birthparents gave up all rights and claim to the child. For the adoptive parents the adoptive child is theirs as if they actual conceived and gave birth to that child. Protect the children and the parents that have adopted the child and oppose this bill.

Thank you,

Michelle Fuluvaka

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

Dear Rep. Keith-Agaran, Chair, Rep. Rhoads, Vice Chair and Committee members.

I wish to support HB 1407, as I was so fortunate that a sister born in NYC in 1950 was able to locate me at the furthest reach of the USA, here at my home in Honolulu in 2007. I vividly even now recall picking up the phone to a strange woman's voice and I still get so emotional thinking of her call. She was 56. This call was very powerful. When I told my son, he said he thought it was awesome. It was beyond awesome. And during that first earthshaking phone call I started to try to connect dots. While I was at my grandmother's up in Maine most of the time I thought back to whatever my mother might have done or said at around that time.

We met. And her eyes alone would have convinced me—they are my Mom's in shape. I knew she was kin; the DNA test later told me nothing different. The debate regarding DNA vs. the environment's effect on personality development was very vital to my mother. Why that stuck in my head between the ages of 9-11, I've no idea but it is one thing I recall from the time period when she gave her child away. I am sure she would feel somewhat justified in her arguments pro-DNA by the way that my sister and I paralleled each other both romantically and career-wise. We both went to Africa: my sister followed a co-office worker there to marry him. In the 60's I joined the Peace Corps, went to Senegal, met and married to another Peace Corps Volunteer and later became a photographer. She became a fashion designer and worked for Liz Claiborne and Calvin Klein.

Our Feminist Revolution has changed society's mind-set and what was kept secret may not matter today. I should say that my sister feels that access to birth records be restricted to persons age 21 due to the impact on the family members.

Thank you for the opportunity to testify,
Julianna FreeHand
Honolulu, HI

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 2:09 PM

To: JUDtestimony

Cc: kjcannon@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Kim Cannon

Organization: Individual

Address:

Phone:

E-mail: kjcannon@gmail.com

Submitted on: 3/1/2011

Comments:

I strongly oppose HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they choose to. Their names should not be on the birth certificate of the child they have placed for adoption (without written consent).

Dear Members of the Judiciary Committee,

As a mother of three adopted children, I STRONGLY OPPOSE HB1407. Birthparents should be able to choose the privacy they deserve. If they desire an open adoption, they already have that right, however, if they choose to keep their identity private, they should have that option. When an adoption becomes final, a new family is created. My husband and I are our children's parents forever because this is what our children's birthparents want. There is no reason for the birthparents' names to appear on a child's birth certificate after an adoption is final.

There are many reasons for birthparents to adopt out their child. By choosing adoption, the child receives a loving home, the birthparents are able to pursue their lifetime goals, and the adoptive family receives the child they long to love and raise. All three parties win.

In my opinion, it is much better to choose adoption, knowing that the records can remain confidential, rather than choose abortion to insure privacy. How many children will not receive life because adoption records cannot be confidential? If this bill had been law, we would not have our son. It is very important to his birthmother that her records remain private. She would not have chosen adoption if she could not have kept her confidentiality. This is absolutely true for us. We love our children with all our hearts, and would not have had the opportunity to adopt our son if his birthmother's records had to be made public. We can't imagine our family without him. Please do not pass this law. Please give our birthparents the right to their privacy.

Sincerely,

Lila Burrie Belnap

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 3:57 PM

To: JUDtestimony

Cc: aiyana420@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Laura Miller
Organization: Individual
Address:
Phone:
E-mail: aiyana420@yahoo.com
Submitted on: 3/1/2011

Comments:

I very strongly oppose the proposed HB 1407 and plead with you that it not be approved. I do not feel that it is right for the right to confidentiality taken away from birth parents in regards to adoption. They should have the choice to maintain confidentiality and privacy regarding such a personal and sensitive decision and experience. I feel that if they choose to have their names on the birth certificate and it be public, then that should be their choice, but to be mandated to do so is not right!

Many birth parents choose adoption as a means to give their child a better life and a fresh start, as well as themselves, and to start over in a sense and this could truly hinder such a desire. Many do not want their choice of adoption made public and if it was forced upon them to be public, it would prevent many from choosing adoption in spite of their belief of it being best for their child. I truly believe this and believe that this bill will result in much more abandoned babies and abortions.

It should not be forced upon someone for such a personal decision to be made public and their right to privacy taken away. Please do not go through with this absurd bill!

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 5:11 PM

To: JUDtestimony

Cc: avallone@lava.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Charlene Avallone

Organization: Individual

Address:

Phone:

E-mail: avallone@lava.net

Submitted on: 3/1/2011

Comments:

Because it is so often urgent for individuals to know medical, genetic and genealogical history that can only be known by knowing the family of origin, I urge the passage of HB 1407.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 5:01 PM

To: JUDtestimony

Cc: thirstynellan@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Geoff Draper

Organization: Individual

Address:

Phone:

E-mail: thirstynellan@yahoo.com

Submitted on: 3/1/2011

Comments:

Birth mothers are some of our society's most courageous heroes. We should give them more flexibility, not more regulation. They should be free to decide how much confidentiality they want in their decision to give their baby up for adoption. No one else should make that decision for them. Please vote against HB1407.

House Judiciary Comm. for March 2nd, 2:05 pm, in room 325

HB 1407

To: Representative Keith-Agaran, Chair of the Judiciary Committee

Aloha,

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

I urge your support of HB1407, to amend the outdated and unjust adoption records law.

1. State secrets and lies on "amended" birth certificates: the child's name, the parents, and the date of the certificate. The state wilfully falsifies documents. And later the state stigmatizes and disrespects adult adoptees seeking the truths of their origins.

Equal justice, truth and respect are due adult adoptees. All persons born in Hawai'i—and in the U.S.--have access to their own certificates of birth—except adoptees.

2. State secrets and lies were devised decades ago to supposedly "protect" adoption triad members. But parents opted to relinquish or to adopt, while adoptees never opted to be born, or relinquished, or adopted. Now it's established that adoptees are harmed by secrets and lies. We suffered great losses, then the state law added the loss of our truths--Where did I come from? Who am I? Could that person (ANYone) be my blood relative? I have no ancestors. With secrecy, unequal status, no access to their own record of birth and adoption, where is adoptees' equal protection?

Equal justice, truth, and respect are due us. No longer legally powerless babies, adult adoptees deserve legal truth, justice and basic human rights: medical history, ethnicity, heritage--and the freedom to know and deal with our history that all other citizens have. The law must catch up with society's evolved view of what "protections" are necessary.

3. State secrets and lies keep us stigmatized, "less-than," and "victims" of birthparent actions when we are not trusted and are denied our own truths of origin. What hideous--or noble--pasts have we that demand state secrets? Or why is adoption "bad" such that its proceedings are kept secret 18 and more years later? No wonder many adoptees feel like outsiders and alienated; lack identity; and have trouble bonding, trusting and making attachments!

History, culture, home, place, and family background are denied to slaves, and to babies trafficked and kidnapped. Adoptees were added--consciously and legally!--to this group.

Equal justice, truth and respect require that the state recognize adoptee losses inherent in relinquishment and adoption, and allow adult adoptees equal access to our own records.

4. State secrets and lies cause many in the adoption triad of the 1948 to 1991 era to spend years of their lives agonizing and perhaps searching--a totally unnecessary waste of our money, time and spirit imposed by the state. A growing percent of searchers find, but the state's keeping secrets from us remains a burden and a waste of lives--it's an outdated punishment.

Equal justice, truth and respect heal us. Many birth parents want Truth. Many adoptees long for justice and truth. Many adoptive parents recognize that their adoptees' Truth, justice and respect help to heal all triad members

Please pass HB1407.

Mahalo.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 4:08 PM

To: JUDtestimony

Cc: mhtamartins@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Marcus H Martins

Organization: Individual

Address:

Phone:

E-mail: mhtamartins@gmail.com

Submitted on: 3/1/2011

Comments:

As both a sibling of adopted children and a grandfather of an adopted child, I oppose a breach of confidentiality in the adoption process.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 4:24 PM

To: JUDtestimony

Cc: Christy@surfingthenations.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Christy Erickssen
Organization: Individual
Address:
Phone:
E-mail: Christy@surfingthenations.com
Submitted on: 3/1/2011

Comments:

Aloha Judiciary Committee,

Adoption is a beautiful thing; you bring a child into your life and give them all the love you can. You become their mother. No he was not created in me, but he was created to be treasured. I received my son at the age of 2; he needed so much love and attention. The first two years of his life were hard, lack of food, hunger, no mother around and I don't even know the worst of it. I can tell you certain things affect him, he get scared of police. He already has scars that no two year old should have.

I have an open adoption already with his parents. They signed him over knowing they could not give him even the very basic to survive. They made a huge sacrifice, they will always be his BIRTH Parents, but I will always be his mother! The one who tucks him in at night, the one who gives him kisses when he hurts, who feeds him, who pays for him to get an education, and more. I deserve the right to say his is mine. I can never replace his birthmother, but I act, take like he is my own flesh and blood. My son doesn't look like me, but he sure does look to me to be his mother.

As adoptive mothers we have the right to be on their birth certificate without the birth parents. There are ways to find parents without putting them on the birth certificates. Some children don't want to be considered adopted because they are completely connected with their adoptive parents and family. How annoying would it be to have the birth parents on birth certificates, the child may want to keep it a secret.

I absolutely oppose Bill 1407. It's ridiculous and not necessary!

Christy Eriksson
Adoptive Mother

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 4:22 PM

To: JUDtestimony

Cc: Darlene1076@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Darlene Strickland

Organization: Individual

Address:

Phone:

E-mail: Darlene1076@gmail.com

Submitted on: 3/1/2011

Comments:

I have a friend who was born in Hawaii and she was adopted here. I am well aware of the turmoil she suffers because of the lack of any information of birth mother's genetic and medical background, I also believe that all adoptees should be informed the the identity of her birth parent.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 4:21 PM

To: JUDtestimony

Cc: ChoonJamesHawaii@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Choon James
Organization: Country Talk Story
Address:
Phone:
E-mail: ChoonJamesHawaii@gmail.com
Submitted on: 3/1/2011

Comments:
Aloha!

Please defer HB 1407. All concerned parties deserve confidentiality and right to privacy.

Life is not a sweet packaged of circumstances.

The government has no right to be this intrusive in the lives of its citizens.

All concerned must have the inherent right to privacy - to keep their records closed if they CHOOSE to.

Please vote to defer this bill.

(However, if there comes a time when a grown adopted child would like to know who his/her birth parents are, there should be a process that allows both parents to agree and concur to such request.)

Mahalo for your understanding and protecting privacy rights.

Choon James
55-052 Naupaka Street
Laie, Hawaii 96762

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 3:20 PM

To: JUDtestimony

Cc: margiberry@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Margaret Berry

Organization: Individual

Address:

Phone:

E-mail: margiberry@gmail.com

Submitted on: 3/1/2011

Comments:

I strongly oppose this HB 1407 bill. As grandparents of two adopted children who reside in Hawaii, we probably would not have them in our family if this bill had been in effect. The birth parents want confidentiality. They won't choose someone in your state, or they will elect to have an abortion. They should have that choice of privacy. And think what it says to a child if the birthparents are listed on their birth certificate too. It tells them that they were not loved and given away. Yet their adopted family loves them so much--mixed messages that won't let wounds heal. Please vote against HB 1407.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 9:59 PM
To: JUDtestimony
Cc: kevin.gwynn@gmail.com
Attachments: Against HB 1407.txt (771 B)

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Kevin Gwynn
Organization: Individual
Address:
Phone:
E-mail: kevin.gwynn@gmail.com
Submitted on: 2/28/2011

Comments:

Please do not pass HB 1407 (confidentiality of birthparents in adoption)! It is wrong to take away this right of certain parents and could lead to fewer adoptions taking place.

Against HB 1407[1].txt

I would like to voice my concern and opinion as strongly opposed to House Bill 1407.

I am a birthfather of a child placed for adoption in Hawaii two years ago. I have an open, non-confidential relationship with my child's adoptive family. However, I understand how important it can be in some circumstances--including, but not limited to, the privacy and freedom of choice of the parents willing to place their child for adoption--to protect the privacy of individuals as requested. I fear that requiring birthparents to forfeit their confidentiality could scare some away from the beautiful choice of adoption and submit them to less desirable options such as abortion or unprepared parenting.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 9:30 PM

To: JUDtestimony

Cc: CarolinHonolulu@aol.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Carolyn Yano

Organization: Individual

Address:

Phone:

E-mail: CarolinHonolulu@aol.com

Submitted on: 2/28/2011

Comments:

I strongly oppose HB1407 as many women have given up children for adoption after traumatic circumstance. Rather than have an abortion, they did the honorable and most selfless thing by giving the child life and a loving home, but forcing identities of birth parents can cause much heartache on both sides as it will not always be a fairy-tale ending that adoptive children may expect. It is most fair for a third party to ask each side in private if identities should be revealed. I cannot believe the Senate already quietly passed such a bill. What were they thinking? Please do the only fair and sensible thing by voting no on HB1407.

Thank you,

Carolyn Yano

DATE: March 2, 2011

TO : Representative Keith-Agaran, Chair
House Judiciary Committee

FR : Stan Toma
Los Alamitos, CA 90720

RE : H.B. 1407,
Relating to Adoption Records

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

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

I was born in Hawaii, in July of 1934 when the birth certificate wasn't yet sealed, so I was one of the fortunate ones whose adoptive father had my original birth certificate. But even back then, some of the information with regards to my birth parents was wrong. To complicate matters, I live in California and had no way to access the correct information, all of which was in Hawaii. For 15 years I have been looking for my birth parents with no success, frustrated at every turn. With the help of the Adoption Circle I was able to finally reconnect with my birth family.

Why would I want to search? Why would I continue to doggedly pursue this matter after so many years, you might ask.

For two reasons, like many adoptees, I needed to know what part of me was from those mysterious birth parents in order to better understand and know myself. And secondly, my lack of knowledge didn't just affect me, but my children and their children. I felt that in order to be a responsible parent myself, they needed that information just as much as I did. They needed to know about what genetic diseases that not only they might have inherited but that might be passed along to their children.

In conclusion, this part of my life cycle has been an incredible journey. I can honestly say that I am truly blessed to have had the opportunity to find out who my birth mother was. My only regret was that she had passed way only 3 months before I found her. But I was able to meet her sister and other family members for which I am grateful for. Maybe, just maybe, I will meet her in our next life. At least for now, I have some closure and the information to pass along to my family.

And that is the wish I have for all adoptees, to have that same sense of knowing, that same sense of closure and satisfaction of being able to look at themselves and know who they are and where they come from.

Mahalo nui loa to the Adoption Circle of Hawaii for their help.... beyond a doubt a truly wonderful and caring organization, where every member is sincerely dedicated and unselfishly willing to support and help birth families find one another. A truly remarkable organization, full of Aloha!

Please vote in favor of House Bill 1407!

Sincerely,

Stan Toma

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 9:10 PM

To: JUDtestimony

Cc: mfwong808@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Mildred F. Wong

Organization: Individual

Address:

Phone:

E-mail: mfwong808@gmail.com

Submitted on: 2/28/2011

Comments:

I oppose to this bill because it completely takes away the privacy of birthparents...and aren't we all concerned about 'privacy' issues for individuals? This bill will be a direct cause for more abortions (and taking of innocent childrens' lives via abortions) when birthparents who wish to avoid 'open information' on their privacy and personal issues. The issue of keeping private the names of birth parents is a privacy issue and should be honored at all times.

February 28, 2011

Greetings Members of the Judiciary Committee,

What determines a mother's right? Many claim that it's the mother's right to abort, yet shame on the mother who wants to keep her name confidential! Both deal with the life of a child. Interesting!!!

I strongly oppose **HB 1407**. I have worked with birthmothers and adoptive parents and have seen the love they have for each other and for the child/children. The birthmothers that I have worked with could have easily taken the easy way out and aborted the child. These mothers have expressed with the deepest desires of their hearts, that they want their child to have the opportunity to have a better chance in life to succeed and be happy.

I have met and know adopted children, who are so thankful for their birthmother's love they had for them to give them a better life. I have seen the beautiful reunion of these triads. The strong love and bond they share due to the mutual love of the child.

However, the Adoption Circle of Hawaii, who formulated HB 1407, argues for the rights of the adoptees. One of their related links they post on their website is "Bastard Nation" The Adoptee Rights Organization. They make the adoptee look like a victim and want to end "hidden legacy of shame fear and venality." They state, "...Millions of North Americans are prohibited by law from accessing personal records that pertain to their historical, genetic, and legal identities...Bastard Nation argues for the restoration of their right to access their records..." However, under the Hawaii Law this is a false and mislead accusation. The adoptive parents are able to have access of the information listed above, except the birthparents name if requested by the birthparents.

I agree with the written statement from Families Supporting Adoption.

House Bill 1407 would REQUIRE that all adoption records from years ago be open and that no birthparent has the right to keep their name and adoption record confidential. At this time, if a request for birthparents' names is made to the Family Court, the law does allow for a court approved agent to look for the birthparent and ask them if they want to have their names given out. If they don't, they can sign an affidavit requesting confidentiality. If they want to be connected with the other parties, their name is given out. **With House Bill 1407, birthparents would have NO CHOICE to have confidentiality.**

HB 1407 would ALSO REQUIRE that the birthparents' names be included next to the adoptive parents' names on the finalized official adoption birth certificate of the adopted child. This means that birthmothers cannot have confidentiality and privacy regarding their placement. Those who want privacy may be forced to revert to abortion as a desperate measure or abandon their babies.

It may be acceptable IF the birthparents WANT their names on the birth certificate and give their written approval, but to mandate them to put it on takes away their right to privacy. There will definitely be an increase in abortions!!

PLEASE VOTE **NO** TO HB 1407.

Sincerely,

Janell Yim

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Monday, February 28, 2011 9:38 PM

To: JUDtestimony

Cc: stacipacker@earthlink.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Sterling Packer
Organization: Individual
Address:
Phone:
E-mail: stacipacker@earthlink.net
Submitted on: 2/28/2011

Comments:

I oppose HB1407. I am the adoptive father of a beautiful young girl. I understand that at some point she will be old enough and mature enough to understand what adoption means. I do not want to get in her way in learning about her birth mother and the reasons for her being placed for adoption. HRS 578-15 currently allows for adult adoptees to gain personal information and facilitate their search for birth parents when they desire to do so. It provides a delicate balance between privacy and openness to protect the desires of birth parents, adoptive parents and adoptees.

The most troubling aspect of HB1407 is the requirement that the names of natural parents be included on the birth certificate. This is an affront to adoptive parents who struggle through the adoption process and desire nothing more than to have the assurance that a new child belongs to them. After all, the birth parents have conceded all parental rights, including the right to have names on birth certificates, when agreeing to place a child with an adoptive family. If the names of two sets of parents are included on the birth certificate, it has the potential to influence educators, coaches, and other people who require birth certificates to verify identity and age. Adoptive parents striving to help adopted children understand that they are the same as natural children will lose critical privacy rights as others will know of adopted children and may attempt to intervene on behalf of the adopted child.

The existing statutes provide an equitable balance between the privacy rights of natural and adoptive parents and the rights of adoptees to learn about their birth parents and the circumstances of their adoptions. HB1407 upsets this balance significantly toward the rights of adoptees and violates the privacy that both natural and adoptive parents need to maintain a healthy adoption. Please do not pass HB1407 into law.

Respectfully,
Sterling Packer

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 5:14 PM

To: JUDtestimony

Cc: beth.haynes@gmail.com

Attachments: To Whom It May Concern.doc (26 KB)

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Claudia Beth Haynes

Organization: Individual

Address:

Phone:

E-mail: beth.haynes@gmail.com

Submitted on: 3/1/2011

Comments:

To Whom It May Concern:

I oppose HB 1407 because it removes any possibility that individuals will be able to retain privacy of information that they should be able to keep private. Privacy should be available to those who desire to give a child up for adoption. Not all will choose privacy, but it should be an option. I see no public gain from forcing such information into the public domain. Current laws provide for the needed degree of privacy and public access to information. Given all the many pressing needs in our state at the current moment which would seem to take precedence over an issue like this, I can't understand why you are spending valuable time on this issue. Please drop consideration of HB 1407 and move on to other matters that would provide greater net gain for our state.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 2:34 PM

To: JUDtestimony

Cc: audrey.bartlett@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Audrey Bartlett

Organization: Individual

Address:

Phone:

E-mail: audrey.bartlett@gmail.com

Submitted on: 3/1/2011

Comments:

I strongly oppose HB 1407. It completely removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they choose to. If they are not offered confidentiality then the individual may not consider adoption as an option, which would affect parents seeking adoption.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 10:22 AM

To: JUDtestimony

Cc: place_wilma@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Wilma Place

Organization: Individual

Address:

Phone:

E-mail: place_wilma@yahoo.com

Submitted on: 3/1/2011

Comments:

I oppose HB 1407 on the grounds that this bill takes away rights of birth parents to declare or not that they are birth parents of children they have elected to place under adoption on legal documents. The present procedures that are now in place should continue with no changes as they are now proposed with this new bill. The right of privacy for the birth parent is left intact until a reasonable time when disclosure can be made with the parties involved. Government should get involved in this by upholding its citizen's rights of privacy. Mahalo.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 9:45 AM

To: JUDtestimony

Cc: bauer11@hawaiiintel.net

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Dr. Roy G. Bauer, Ed.D.

Organization: Individual

Address:

Phone:

E-mail: bauer11@hawaiiintel.net

Submitted on: 3/1/2011

Comments:

I strongly oppose HB1407 as it is my understanding that it will remove the rights of birthparents in adoptive cases to remain confidential. It is my strong feeling that birthparents have the right to remain confidential if they so desire. This extends to not having their names included on the birth certificate of the child placed for adoption unless they so desire.

I am writing to oppose HB 1407. My wife and I adopted a beautiful baby girl almost ten years ago, which has brought immense joy in our lives. We met the birth mother just prior to her giving birth, and she told us that she did **NOT** want her identity made known to anyone—she was very concerned with others finding out about what she had done, and wanted this episode in her life put behind her. We have respected her wishes. Having the birth parent's names on the birth certificate would have opened too much exposure to this young woman, and may easily have led her to seek out an abortion instead of granting us the blessing of raising such a precious baby girl. Please do not make a blanket policy that would reveal the identities of the birth parents. Many have no desire to be known. A better policy would be to grant them the option of making their identities known through their written permission. This would allow those seeking anonymity to have their privacy. Adoption has been a means of preserving privacy of birth parents for centuries, allowing them to start new lives. Yes, many want more open adoptions, which is wonderful, but please do not punish those still seeking privacy in adoption. Allow the birth parents to have the option to remain anonymous. Adoption is a gift to the child, the adopted parents, and the birth parents, please do not harm this system through HB 1407.

Brian K. Houghton
Laie, Hawaii

DATE: March 2, 2011

TO : Representative Keith-Agaran, Chair
House Judiciary Committee

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 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. However, shame was still instilled into the adoption process. For only things that are shameful are mired in secrecy and lies, forever hidden. Adopted at 6 weeks old, 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.” 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. Non-adopted persons would not feel happy knowing this, but the sense of freedom that was given to me by the information I now had about myself can't 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 was one of the many involved with Oregon's Measure 58, while attending college, which gave adoptees the right to their original birth certificate. By the will of the people, it passed but was challenged on the grounds that it violated privacy and contractual laws. After being dismissed initially, the plaintiffs exhausted the appellate process, even going so far to ask the US Supreme Court to render a decision. The reasons the case failed were::

1. There was *no binding contract, nor specific law that guaranteed a birth family legal right to absolute privacy/confidentiality, nor were there laws to permanently seal adoption records forever*. Thus, any promises “made by various religious, medical or social service personnel” were *without legal authority*. (Oregon Judicial Judgment – Publications: <http://www.publications.ojd.state.or.us/A107235.htm>)

2. The constitutional right of privacy was more about the right of the individual to be free from unwarranted governmental intrusion, *not intended to be used as a fundamental right to conceal the birth parents' identity* from their adopted-away children. (same previous citation)

I believe that ultimately these are the reasons that any legal challenges to any laws regarding open adoption records fail to be overturned.

Frankly, 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.

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

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 11:24 AM

To: JUDtestimony

Cc: christianshastings@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Christian Hastings

Organization: Individual

Address:

Phone:

E-mail: christianshastings@gmail.com

Submitted on: 3/1/2011

Comments:

I am writing to plead for the opposition of this bill HB1407 dealing with the privacy of individuals concerning adoption. So many people have various circumstances that lead them to the decision to give their child up for adoption because they can remain anonymous while providing someone else the opportunity to receive a child and raise it. Taking the privacy from the parties limits their rights and discourages people from choosing adoption as an option when their circumstances are such that they don't want others to know. This makes abortion the clear choice when dealing with the number of situations where they want to keep the pregnancy private. So many people cannot have children and dream of adopting, there are already long waits for those people. Please understand that this bill could make adoption more difficult, less desirable and steer woman and girls to chose to abort their child instead. While it is the woman's choice, this bill punishes them for choosing to have the baby and allow that baby to bless the lives of someone else. Please help to keep this bill from passing.

thank you.

Christian Hastings

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 01, 2011 11:22 AM
To: JUDtestimony
Cc: alysethomson@gmail.com
Subject: Testimony for HB1407 on 3/2/2011 2:05:00 PM
Attachments: Oppose HB1407.docx

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Alyse Thomson
Organization: Individual
Address:
Phone:
E-mail: alysethomson@gmail.com
Submitted on: 3/1/2011

Comments:

I am absolutely opposed to House Bill 1407. My husband and I are unable to have children, and we were so blessed to be able to adopt our son nearly a year ago. Our son's birth mom was put in an impossible situation where she had no choice at the time of conception. At first she considered abortion because of her circumstances. In the end she made the most selfless sacrifice I think a person could possibly make. She chose life.

She carried this child with her for nine months and then gave him to us. She did this because she loved him. All she asked in return is that her identity remains confidential so that she could move on with her life and let her wounds heal.

A year later and she's doing great. She has been able to pursue her goals and dreams. There is absolutely no reason why her identity should be disclosed and to have old wounds reopened. Out of my love, respect, and gratitude to her, I will do everything I can to keep her identity confidential.

The sad truth is that there are so many unplanned pregnancies that result in abortion simply because they don't want anyone to find out that they're pregnant. On the flip side, there are so many families (like ours) who are anxiously waiting to adopt. This bill will lead more girls to believe that abortion is the only answer for secrecy and the only way to keep their situation confidential.

I think the most disturbing part is that the birthparent's names will be permanently on the child's birth certificate. This bill is completely unethical.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 11:36 AM

To: JUDtestimony

Cc: lal@hallstromgroup.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Lawrence Levenson

Organization: Individual

Address:

Phone:

E-mail: lal@hallstromgroup.com

Submitted on: 3/1/2011

Comments:

I am opposed to HB1407, I believe that the House Bill is too liberal and will negatively impact parents of adoptive children.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 11:31 AM

To: JUDtestimony

Cc: linda@heavensbest.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Linda Orr

Organization: Individual

Address:

Phone:

E-mail: linda@heavensbest.com

Submitted on: 3/1/2011

Comments:

I oppose HB1407. Names should be kept confidential.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 11:09 AM

To: JUDtestimony

Cc: Tjsenteno@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: James Oyama

Organization: Individual

Address:

Phone:

E-mail: Tjsenteno@yahoo.com

Submitted on: 3/1/2011

Comments:

I strongly oppose hb1407 it us just ridiculous!!!

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 9:24 AM

To: JUDtestimony

Cc: dan@sabadell.us

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Dan Bowers

Organization: Individual

Address:

Phone:

E-mail: dan@sabadell.us

Submitted on: 3/1/2011

Comments:

We need to keep adoptions confidential.

March 1, 2011

Aloha Members of the Hawaii State Judiciary Committee,

I write in opposition to HB 1407:

I am a father of two beautiful little girls, both of whom were adopted. Adoption provides a priceless opportunity for couples like us who are not able to have our own children. Perhaps more importantly, it provides an important option for women with an unplanned pregnancy. My primary concern with HB 1407 is that it robs birthmothers and potential birthmothers of their rights of confidentiality. Without this right, women in abusive or otherwise fearful situations would be more likely to choose abortion or even abandon their babies.

Our adoptions were both very "open" and we have close relationships with our daughters' birthparents. However, this is by choice... mutual choice between us and them. I strongly support the rights of women (or couples) to choose confidentiality.

Sincerely,

Dr. Mark B. Cannon
Laie, HI 96762
808.636.5258

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 01, 2011 10:19 PM
To: JUDtestimony
Cc: hbhawaii@gmail.com
Subject: Testimony for HB1407 on 3/2/2011 2:05:00 PM
Attachments: I am asking that you please oppose bill HB1407.doc

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325
Testifier position: oppose
Testifier will be present: No
Submitted by: Heidi Burgoyne
Organization: Individual
Address:
Phone:
E-mail: hbhawaii@gmail.com
Submitted on: 3/1/2011

Comments:

I am asking that you please oppose bill HB1407.

The choice to inform an adoptive child about his/her birth parents should lie in the hands of that child's parents who raised him or her. Should the names of the birth parents be required to be visible on the birth certificate, the freedom to disclose such personal information is taken away. I have several cousins who were adopted, including those whose birth parents were on drugs, and others whose birth parents were horribly abusive.

Can you imagine what might happen if the child is handed the names of his/her birth parents, and essentially given the ability to search out these birth parents, who willingly gave their children away? For many of these children, including my cousins, they will sadly discover that their birth parents measure less than the standard their adoptive parents have held for them. Can you imagine the effect this will have on their sense of self worth?

For the child's sake, I ask you to please oppose bill HB 1407.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 11:25 PM

To: JUDtestimony

Cc: nateburgoyne@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Nate Burgoyne

Organization: Individual

Address:

Phone:

E-mail: nateburgoyne@gmail.com

Submitted on: 3/1/2011

Comments:

I oppose hb1407.

DATE: March 2, 2011; Rm. 305, 2 p.m.

TO : Representative Keith-Agaran; Judiciary Committee Chair

FR : Korean Adoptees of Hawai'i (KAHI)
P.O. Box 75582, Honolulu, HI 96836
info@kahawaii.org www.kahawaii.org

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

Korean Adoptees of Hawai'i (KAHI) is submitting testimony in SUPPORT of H.B.1407. KAHAI is a 501(c)3 non-profit organization that supports allowing access to sealed adoption records to those who are parties to the adoption.

Korean Adoptees of Hawai'i was started 5 years ago this month by four adoptees born in South Korea and adopted to the United States. Some grew up in Hawai'i, while others had moved here later on. Since then, membership has grown to include more than 70 members, of whom approximately half live here currently. Membership includes Koreans adopted to Europe and one who was born and adopted here in Hawai'i and is of Korean descent. The ever changing membership of our organization reflects the diversity of Korean adoptees in Hawai'i. KAHAI was founded upon the experiences of adult Korean adoptees, working to build a supportive community in Hawai'i through public outreach, networking, education and sharing resources. KAHAI believes in fostering awareness about adoption and identity, recognizing that we, as a community, can extend our reach beyond what we can accomplish individually.

Many of our members have conducted birth searches. Some have been reunited, but many have not. Younger Korean adoptees who conduct a birth search have a much higher chance of reunion because of newer laws in Korea requiring strict record keeping. There are still many hurdles because the records are not usually "open" for the birth parents and adoptees to see—the adoption agencies rarely release identifying information directly. This is one of the many frustrations we face when trying to find basic information about our histories. The United States is much more advanced in allowing information to be passed among interested parties in regards to adoption cases. However, not all states have the same laws. This also leads to heartache for people searching for family members across state lines.

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 nor support traditional practice.

KAHI strongly urges the committee to pass the bill and help it become law. Thank you for this opportunity to testify.



HAWAII CATHOLIC CONFERENCE
6301 Pali Highway
Kaneohe, HI 96744-5224

Email to: JUD@Capitol.hawaii.gov
Hearing on: March 2, 2011 @ 2:05 p.m.
Conference Room #325

DATE: March 1, 2011

TO: House Committee on Judiciary
Representative Gilbert Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Opposition to HB 1407 Relating to Adoption Records

Mahalo for the opportunity to testify on this measure. I am Walter Yoshimitsu, representing the Hawaii Catholic Conference. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii under the leadership of Bishop Larry Silva. We strongly oppose this bill that would amend provisions of the code relating to adoption records and the secrecy of proceedings and records, allowing access to adoption records by parties to the proceedings under certain circumstances.

In the Roman Catholic Church, we celebrate and encourage the ministry of adoption. We honor all adoptive and foster parents for their willingness to raise and support and love children they did not produce. They are parents by choice, not by chance. Our community partner, Catholic Charities, does a wonderful job with placing children in forever families.

Regardless of whether we view adoption as ministry, or simply a way to build a family, adoption can bring God's love to orphan children by living example. Caring for widows and orphans in their distress is pure and undefiled religion. (James 1:27) An orphan's distress is not belonging to a family, and orphan children want to belong to a loving family just like everyone else.

In some grave circumstances like rape and incest, however, the child must be protected from their birth parents. Mandating that the names be included on the birth certificate would do more harm in these cases than good. In addition, there are some individuals that choose not to have their names included on the paperwork.

We do not have any problem with birth parents who "choose" to have their names included if the adoptive parents are in concert. Open adoptions, we believe, can serve the wider community well and should be encouraged. However, we strongly maintain that it should not be mandated and for that reason we oppose this bill.

Mahalo for the opportunity to testify.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, March 02, 2011 5:30 AM

To: JUDtestimony

Cc: katedouglas13@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: support

Testifier will be present: No

Submitted by: Katherine Moore

Organization: Individual

Address:

Phone:

E-mail: katedouglas13@gmail.com

Submitted on: 3/2/2011

Comments:

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, March 02, 2011 5:48 AM

To: JUDtestimony

Cc: mylife925@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Jessica N

Organization: Individual

Address:

Phone:

E-mail: mylife925@yahoo.com

Submitted on: 3/2/2011

Comments:

I strongly oppose HB 1407. It completely removes confidentiality and privacy for birth-parents. Birth-parents should be given the right to keep their records closed if they choose to. Their names should not be on the birth certificate of the child they have placed for adoption (without written consent).

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Wednesday, March 02, 2011 7:07 AM

To: JUDtestimony

Cc: s_kahawaii@yahoo.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Sandy A Sproat Kahawaii

Organization: Individual

Address:

Phone:

E-mail: s_kahawaii@yahoo.com

Submitted on: 3/2/2011

Comments:

I strongly oppose HB 1407. I feel that birthparents should have a right to keep their names confidential if they want to especially due to the sensitive issues connected with placing a child for adoption.

Keith T. Matsumoto
1340 Ainapua Street
Honolulu, Hawaii 96819
Phone: (808) 258-9209

March 1, 2011

The Honorable Gilbert S.C. Keith-Agaran, Chair
The Honorable Karl Rhoads, Vice Chair
House Committee on Judiciary
State Capitol, Room 325
Honolulu, Hawaii 96813

Dear Representative Keith-Agaran, Representative Rhoads and Members of the Committee:

I am writing this in strong opposition to HB 1407.

I have two adopted daughters and have been their father from one day after their births. I am named as Father on their respective current birth certificates. I believe this is what was desired by their respective birth parents. While the circumstances of their adoptions are different, the bottom line is that their birth parents made difficult decisions in their best interest. The difficulty of their decision should be honored by protecting their identities.

I am sure that we can agree that mistakes are made as young persons. In the case of my oldest child, her mother decided to have her baby adopted since she would have had difficulty raising the child and continuing her education. While this was a "closed adoption", I know in my heart that she made a good decision and hope that she is living a full, productive life. I'm not confident that she would appreciate a compromising of her right to privacy and anonymity.

I am very concerned that removal of the right to privacy may force girls in similar situation to reject adoption as an option, and this would lead to more abortions and possibly abandoned children.

In the case of my second child, that was an "open adoption". Her parents chose her adoptive parents and trusted that we would raise her. While their identities are known to me, I have kept this confidential as I am aware that her birth mother has her own family and am unsure as to how a revelation would impact them.

All adopted children can access their original birth certificate when they turn 18 years of age. The decision to inform a child of their adoption should be made by loving parents, based on the emotional maturity and stability of the child. While I am unsure that all 18 year olds are ready for such an emotional upheaval, that is their right as an adult.

The right of an adopted child to gain access to their adoption records is codified. I believe strongly that all adoption histories should be kept confidential but available, not on the public record for all to see. HB 1407 clearly compromises an adoptees right to privacy and confidentiality.

Finally, my children know no other father than me. I am their "dad", the person they come to when they need comfort and support. I am the person who works hard to earn a living to support their daily existence. A name of someone they do not know will not help them study for an exam, or take them to the doctor, or comfort them when they are ill or hurt.

Please protect the rights of birth parents, as well as adoptive "legal" parents and adopted children, by deferring HB1407.

Thank you for your consideration of this testimony.

Very Sincerely,

A handwritten signature in black ink, appearing to read 'Keith T. Matsumoto', written in a cursive style.

Keith T. Matsumoto

**TESTIMONY IN OPPOSITION TO HOUSE BILL 1407,
A BILL FOR AN ACT RELATING TO ADOPTION RECORDS**

**Suzanne Nakano
PO Box 11284
Honolulu, Hawaii 96828
Telephone: (808) 225-5780**

**HOUSE COMMITTEE ON JUDICIARY AND GOVERNMENT
OPERATIONS**

**Gilbert S.C. Keith-Agaran, Chair
Karl Rhoads, Vice Chair**

**Wednesday, March 2, 2011
2:05 p.m., House Conference Room 325**

Good afternoon, Chair Keith-Agaran and Vice Chair Rhoads and Members of the Committee.

Thank you for the opportunity to testify. I oppose the passage of HB 1407.

My ohana includes adopted children.

HB 1407 would:

1. Require that the names of the natural parents be included in the new birth certificate for the adopted child. See Section 1 amending HRS § 578-14. Currently, the natural parents are not included in the new birth certificate unless the adoptive parents request that the names of the natural parents appear on the new birth certificate.

2. Eliminate the requirement that the natural parents or the adoptive child first show “good cause” to the Family Court before being allowed to inspect the Family Court’s sealed adoption records. See Section 2 amending HRS § 578-15(b)(1).

3. Eliminate the current right and privilege of natural parents to maintain their anonymity after the adopted child attains the age of eighteen. See Section 2 amending HRS § 578-15(b)(3).

If these changes are allowed, it will eliminate the option currently available to the natural parents of an adoptive child to remain anonymous to the child. This will discourage natural parents who desire anonymity from putting their child up for adoption even though it could be to the child’s best interest to be adopted.

I therefore ask this committee vote to defer HB 1407.

Thank you.

hawaii family forum

Email to: JUDTestimony@Capitol.hawaii.gov
Hearing on: March 2, 2011 @ 2:05 p.m.
Conference Room #325

DATE: March 1, 2011

TO: House Committee on Judiciary
Representative Gilbert Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

FROM: Allen Cardines, Jr., Executive Director

RE: Strong Opposition to HB 1407 Relating to Adoption Records

Mahalo for the opportunity to present testimony on this measure. I am Allen Cardines, representing the Hawaii Family Forum. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations.

Hawaii Family Forum has worked very closely in the past with HOPE In the Name of Christ (INC) foster care and adoption agency which has a contract with the Department of Human Services to recruit, train, and support adoptive parents for Hawaii's 'difficult to place' foster children. Passage of this bill, we believe, would greatly hurt families who choose to place their children for adoption in our State.

Although we understand the intent of this measure, we must remain clear that there are certain circumstances in which the names of the natural parent must remain anonymous. In our work with Hope INC, we were privy to information respective to the natural parents that most certainly should be kept confidential. Some of the cases were heartbreaking: cases of abuse, incest and even rape. How would you even classify children who are wards of the state on a birth certificate?

Establishment of this law, as it is written, would eliminate the option of anonymity. This bill would unintentionally discourage some natural parents from putting their child up for adoption in the first place, thereby reducing the number of children available for adoption. With hundreds of children in the state who have no parents except the State of Hawaii, and wish to be adopted into forever families, what message are we giving them?

For the sake of the children "kodomo no tami ni" who need to be protected, please HOLD this bill. Mahalo for the opportunity to testify.

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 8:42 PM

To: JUDtestimony

Cc: chrisbmaui@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Christine Bowers

Organization: Individual

Address:

Phone:

E-mail: chrisbmaui@gmail.com

Submitted on: 3/1/2011

Comments:

I strongly opposed HB 1407. The bill removes confidentiality and privacy for birthparents. Birthparents should be given the right to keep their records closed if they choose. Their names should not be on the birth certificate of the child they have placed for adoption. The right to remain anonymous should be supported as a right of confidentiality. If the birth parents choose to know and have a relationship with the adoptive parents, fine; IT SHOULD NOT BE MANDATED BY LAW.



People of compassion giving HOPE IN THE NAME OF CHRIST to the children, youth & families of Hawaii

Email to: JUDTestimony@Capitol.hawaii.gov
Hearing on: March 2, 2011 @ 2:05 p.m.
Conference Room #325

DATE: March 1, 2011

TO: House Committee on Judiciary
Representative Gilbert Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair

STRONG OPPOSITION TO HB 1407 Relating to Adoption Records

Mahalo for the opportunity to present testimony on this measure.

I, DeeannaMarie Wallace, am the adoptive mother of 10, soon to be eleven children. Our children range in ages from 14 to 40. When we chose to love them we chose also to love their birth families. Each one of them comes from different back grounds and circumstances. Whether they were adopted at birth, as young adults, or anywhere between they know that we honor their parents.

My husband Randy and I also founded and direct HOPE INC, Inc. a licensed foster/adoptive Child Placing Organization. We have worked with many birth families that have chosen to make an adoption plan for the children as well as with many parents who have chosen to add to their family through adoption. Some birth parents are comfortable with open adoption. They and the adoptive parents they choose to raise their child may agree to both be listed on the birth certificate. But there are also birth mothers who do not even want to meet the adoptive parents let alone list their name on the birth certificate.

Many of the children we have adopted as well as placed in adoptive homes were foster children whose birth parent's rights were terminated and the state government became their legal parent. I can't imagine that one of my adopted children would feel comfortable with Department of Human Services Child Welfare listed as their parent beside our name.

Open adoption is more and more popular so both parties know each other and often stay in touch. Even in public adoption the adoptive parents are encouraged to stay in touch with birth families. For families who choose not to stay in touch over the years the child and the birth parents are welcome to contact each other through family court when the child turns 18. Changing this law could be devastating to many adoptive children, their birth parents and adoptive families. Please hold this bill.

Sincerely,

DeeannaMarie Wallace

Testimony for HB1407 on 3/2/2011 2:05:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 01, 2011 9:13 PM

To: JUDtestimony

Cc: carolphilips1@gmail.com

Testimony for JUD 3/2/2011 2:05:00 PM HB1407

Conference room: 325

Testifier position: oppose

Testifier will be present: No

Submitted by: Carol Philips

Organization: Individual

Address:

Phone:

E-mail: carolphilips1@gmail.com

Submitted on: 3/1/2011

Comments:

Aloha Honorable Legislatures,

I appose this bill because the decision between an open or closed adoption should be left the individuals involved namely the adopted and birth parents.

Respectfully,

Carol Philips