

STAND. COM. REP. NO.

1258

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 1407
H.D. 1
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1407, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ADOPTION RECORDS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow for access to adoption records by parties to the proceedings under certain circumstances; and
- (2) Allow a natural parent to insert a contact preference into the sealed adoption record.

Your Committee has heard the concerns that parties to an adoption have a reasonable expectation of privacy. This measure in its current form removes all mention of the process that allows a natural parent or an adopted person to file an affidavit requesting confidentiality. Confidentiality is an important factor in the adoption process and can be important to many people when making the decision to place a child for adoption. Your Committee is not comfortable with suddenly removing the legal protections of confidentiality. Accordingly, your Committee would like to retain the distinction between classes of adoptions occurring before and after 1990 in order to maintain reasonable expectations of privacy in the adoption process.



Your Committee is in agreement with provisions of this measure relating to contact preferences. Your Committee finds that this is a reasonable way to inform an adopted party about the desire of a natural parent to accept contact once the adopted individual attains the age of eighteen. Your Committee further finds that requiring the natural parent to provide current contact information will make it easier for an adopted individual to get in touch with a natural parent.

Your Committee has amended this measure by:

- (1) Reinstating language requiring a written request for inspection for adoptions that occurred prior to January 1, 1991, and permitting the natural parent to file an affidavit requesting confidentiality;
- (2) Reinstating language to establish a policy of disclosure for adoptions occurring after December 31, 1990, unless the natural parent files an affidavit requesting confidentiality;
- (3) Reinstating language allowing for a written request for inspection of adoption records by a natural parent;
- (4) Reinstating language that provides for the inspection of adoption records; provided that where one natural parent files an affidavit for consent, the records shall only include identifying information concerning that natural parent;
- (5) Inserting language providing that an existing affidavit requesting confidentiality shall be suspended if a natural parent provides a contact preference accepting contact;
- (6) Inserting language providing that if a natural parent later places a contact preference into the sealed adoption record declining personal contact, any current affidavits requesting confidentiality shall be reinstated;
- (7) Inserting an effective date of July 1, 2050, to allow for further discussion; and



- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1407, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1407, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,




CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
HB1407, HD1, SD1	HMS, JDL	4/8/11
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is:		
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)
Nay	Excused	
HEE, Clayton (C)	✓	
SHIMABUKURO, Maile (VC)	✓	
GABBARD, Mike		✓
IHARA, Jr., Les	✓	
SLOM, Sam		✓
TOTAL	3	0
0	0	2
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
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*Only one measure per Record of Votes