

HB1407,HD1

Measure Title: RELATING TO ADOPTION RECORDS.

Report Title: Adoption; Records; Proceedings

Description: Amends 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. Effective January 7, 2059. (HB1407 HD1)

Companion:

Package: None

Current Referral: HMS, JDL

Introducer(s): JORDAN (BR)



THE JUDICIARY, STATE OF HAWAII

Testimony to the Senate Committee on Human Services

Senator Suzanne Chun Oakland, Chair

Senator Les Ihara, Jr., Vice Chair

Tuesday, March 22, 2011, 1:45 p.m.
State Capitol, Conference Room 016

by

R. Mark Browning

Deputy Chief Judge/Senior Judge

Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1407, H.D 1, Relating to Adoption Records

Purpose: 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.

The original House Bill No. 1407 contained language which greatly concerned the Family Court. Fortunately, the House recognized the concerns explained in the Judiciary's written testimony and amended the original bill with House Draft No. 1.

House Draft No. 1 successfully addresses the Family Court's concerns and so we offer no comments regarding what is currently before this Committee.

However, we wish to reiterate our original concerns to the original House Bill No. 1407, which are also applicable to the original Senate companion bill, Senate Bill No. 1510.

The original House Bill No. 1407 and Senate Bill No. 1510 amended 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

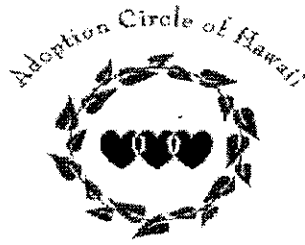


House Bill No. 1407, H.D. 1, Relating to Adoption Records
Senate Committee on Human Services
March 22, 2011
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flexible system, the original bills mandated that birth certificates include the names of the adoptive parents and the natural parents. Taking 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, the original House Bill No. 1407 and Senate Bill No. 1510 deleted all mention of the current process, which allows the natural parent or the adopted person to file an affidavit requesting confidentiality, and the original bills were silent on the bills’ impact on existing cases in which affidavits have already been filed. Because citizens should be able to rely on the continuation of legal protections, if the original bills were passed with the original wording, the court would nevertheless continue to honor all existing affidavits requesting confidentiality. If the Legislature intended to dishonor these affidavits, then we respectfully requested that the original bills must specifically dishonor the reasonable expectations made under the current system.

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



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March 20, 2011

TO : Senator Suzanne Chun-Oakland, Chair
Senate Committee on Human Services
FR : Adoption Circle of Hawaii
RE : H.B. No. 1407 HD 1
Relating to Adoption Records

The Adoption Circle of Hawaii (ACH) is providing comments to H.B. No. 1407 HD 1

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.

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 start at \$300 to over \$1,200 to request access to their adoption records.

We came to the legislature this session with HB 1407 to update the current law. The intent of HB 1407, in its original form, was to allow access to adoption records to all parties to the adoption. This was offered in the spirit of balancing the interests of all parties. We also were seeking to provide transparency regarding the identity of birthparents to those who were relinquished for adoption, so that their birth heritage would not be lost in the process of amending the birth certificate when the adoption was finalized.

However, upon further consideration of the testimony presented at the House Judiciary hearing that resulted in the House Draft 1, we are respectfully asking for your consideration of the attached proposal, which we believe responds to the concerns raised by adoptive parents, one adoption agency and private practice adoption attorneys that opposed HB 1407 in its original form. Our primary concern with House Draft 1 is that it takes us further from the intent of the original HB 1407 and creates yet another class of adopted individuals, rather than providing equal opportunity to access their records.

A content analysis of testimony in opposition to the original version of HB 1407 was conducted and indicates the primary concerns were focused on the birth certificate proposal to require that birth certificates include both birth parents and adoptive parents names.

(This provision has been deleted from the attached Proposed SD1) Many of the testifiers seemed to regard use of a birth certificate which included the birth parents' names as tantamount to public disclosure "to the world." Much of the strong emotion in the testimony seemed related to the view that the birth certificate was a public document that the child and community would see. Examples were given of the need for the birth certificate to register the child for school and sports. Some adoptive parents felt their authority to judge if, when, and how to talk to their adopted child was undermined by this "public" disclosure. Some said the adoptive parent would know best what the adopted child would need in this regard.

We took into consideration the testimony presented. Thus, we are responding with a proposed draft. Senate Draft 1 provides for the following:

Repeals the intermediary system and the classes of adoptions occurring before and after 1990

Provides access to sealed records after adopted individual attains age 18, upon submission of written request by the adopted individual

Allows the adopted individual or adopted parents to request ethnic, racial, health or genetic information contained in the records

Adds definition of contact preference to mean a notarized written statement from a natural parent accepting or declining personal contact with the adopted individual

Requires court to give a copy of contact preference to adopted individual at the time of request to access records

Allows natural parent to file a contact preference in the sealed record at any time prior or after final petition

Limits definition of natural parent to biological mother or father

ACH believes that this proposal balances the rights of adoptive parents and birth parents who were represented by an agency and/or attorney with the rights of adopted individuals who lacked such representation at the time of the adoption.

ACH asserts that there has been 20 years of an intermediary system in Hawaii, with no reported cases of harm resulting from adoptees requesting access to court records.

ACH offers several decades of research indicating that openness in adoption is the preferred best practice and thus, Hawaii adoption records laws should be changed to reflect such.

In closing, the Adoption Circle of Hawaii would like to see Hawaii follow the trend of several other states that have enacted progressive laws supporting access to adoption records. These laws reflect current open adoption policy that so many agencies and attorneys have integrated into their practice.

Mahalo for your consideration of our testimony.

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

A BILL FOR AN ACT

RELATING TO ADOPTION RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 587-15, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Upon the entry of the decree, or upon the later effective date of the decree, or upon the dismissal or discontinuance or other final disposition of the petition, the clerk of the court shall seal all records in the proceedings; provided that upon the written request of the petitioner or petitioners, the court may waive the requirement that the records be sealed; provided further that the natural parent may place a contact preference into the sealed record at any time prior to or after the final disposition of the petition. The seal shall not be broken and the records shall not be inspected by any person, ~~[including the parties to the proceedings,]~~ except in the following circumstances:

- (1) Upon order of the family court upon a showing of good cause;
- (2) ~~[For adoptions which occurred prior to January 1, 1991, after the adopted individual attains the age of~~

~~eighteen and upon submission to the family court of a written request for inspection by the adopted individual or the adoptive parents [in accordance with the following:~~

~~(A) Within sixty calendar days after receipt of a request for inspection, the family court, by certified mail with return receipt requested, shall mail to the last known address of each natural parent a notice of the request for inspection of adoption records, a copy of the request for inspection and copies of any accompanying letters, photographs, or other documents submitted in support of the request. The notice shall inform the natural parent that unless an affidavit signed by the natural parent requesting confidentiality is received by the family court within sixty calendar days of the date of receipt of the notice, the natural parent will be deemed to have waived any rights of confidentiality and the records shall be subject to inspection by the adopted individual or the adoptive parent who submitted the request. The~~

~~notice shall also inform the natural parent that an affidavit requesting confidentiality for a period of ten years may be filed. A blank affidavit to be completed and signed by the natural parent shall be mailed with the notice;~~

~~(B) If the family court has received a return receipt for the notice but an affidavit requesting confidentiality is not received by the family court within sixty calendar days of the date of receipt of the notice, the family court shall allow inspection under this section;~~

~~(C) If the notice is returned as undeliverable to a natural parent, the family court shall designate an agent or agency to conduct a good faith and diligent search to locate the natural parent and to provide the notice and all other documents required under subparagraph (A). The search shall extend over a period not to exceed one hundred eighty calendar days. Contacts with natural parents by a designated agent or agency under this section shall be personal, whenever possible, and confidential. The family court~~

~~shall provide the designated agent or agency with a copy of the request for inspection and copies of any accompanying letters, photographs, or other documents submitted in support of the request, and the designated agent or agency shall present the copies to the natural parent when contacted. The family court and the designated agent or agency shall ensure that no person other than a natural parent or the agent or agency through which a natural parent obtained assistance for the adoption is informed of the adoptive individual's existence and the relationship to the natural parent;~~

~~(D) If a natural parent cannot be located after the search conducted under subparagraph (C), the family court shall allow inspection under this section;~~

~~(E) If an affidavit requesting confidentiality is received by the family court within sixty calendar days of the date of receipt of the notice provided under subparagraph (A) or (C),~~

~~the family court shall not allow inspection during the effective period of the affidavit,~~

~~(F) If a ten-year affidavit is filed under subparagraph (E), the natural parent may refile affidavits every ten years thereafter to maintain confidentiality, or the natural parent may file an affidavit effective for the remainder of the natural parent's lifetime. All affidavits subsequent to the initial affidavit may be filed within ninety calendar days before the last effective day of the initial affidavit. If there is no effective affidavit on file with the family court at the time a request for inspection is received by the court, the court shall allow inspection under this paragraph;~~

~~(G) An affidavit requesting confidentiality shall be effective until the last day of the period for which the affidavit was filed, until the natural parent revokes the affidavit, or until the natural parent is deceased, whichever occurs sooner; and~~

- ~~(H) Where two natural parents are involved and confidentiality is waived under this paragraph by only one natural parent, the inspection of the records shall not include any identifying information concerning the other natural parent;~~
- ~~(3) For adoptions occurring after December 31, 1990, in accordance with the following:~~
 - ~~(A) Each natural parent shall be informed of the procedures required under this paragraph if the natural parent desires to maintain confidentiality after the adopted individual attains the age of eighteen;~~
 - ~~(B) Within ninety calendar days before the adopted individual attains the age of eighteen a natural parent may file an affidavit with the family court to request confidentiality and the natural parent may refile affidavits every ten years thereafter to maintain confidentiality [or the natural parent may file an affidavit effective for the remainder of the natural parent's lifetime. All affidavits after the initial affidavit may be filed within ninety calendar~~

~~days before the last effective day of the initial affidavit;~~

~~(C) If a natural parent declines or fails to file an affidavit under subparagraph (B), the family court shall allow inspection of the record by the adopted individual or the adoptive parents at any time after the adopted individual has attained the age of eighteen; and~~

~~(D) Where two natural parents are involved and confidentiality is waived under this paragraph by only one natural parent, the inspection of the records shall not include any identifying information concerning the other natural parent;~~

~~(4) For all adoptions, regardless of date of occurrence, after the adopted individual attains the age of eighteen and upon submission to the family court of a written request for inspection by a natural parent, provided that the adopted individual shall have the same rights and obligations applicable to natural parents under paragraphs (2) and (3), including rights of notice and opportunity to file affidavits requesting confidentiality.]~~

~~{(5)}~~ For all adoptions, regardless of date of occurrence, after the adopted individual attains the age of eighteen and upon submission of ~~an affidavit by a natural parent consenting to inspection of records by the adoptee or an affidavit submitted by an adoptee consenting to the inspection of records by the natural parents;~~ provided that where only one natural parent files an affidavit for consent, the inspection of records shall not include any identifying information concerning the other natural parent a written request for inspection by the adopted individual; provided that the family court shall provide the adopted individual with a copy of the contact preference filed in the sealed record at the time the request for inspection is submitted to the court;

~~{(6)}~~ (3) Upon request by the adopted individual or the adoptive parents for ethnic, racial, health, or genetic information contained in the records ~~[concerning ethnic background and necessary medical, notwithstanding any affidavit requesting confidentiality];~~ or

~~[(7)]~~ (4) Upon request by a natural parent for a copy of
the original birth certificate.

As used in this subsection[,natural]:

"Natural parent" means a biological mother or father~~[, or
a legal parent who is not also the biological parent]~~.

"Contact preference" means a notarized written statement
from a natural parent indicating whether the natural parent
accepts or declines personal contact with the adopted individual
when the adopted individual attains the age of eighteen."

SECTION 2. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

Report Title:

Adoption records; family courts

Description:

Authorizes family courts to provide access to adoption records once the adopted individual reaches age 18, upon written request; allows natural parents to file a contact preference in the sealed adoption record.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

ChunOakland2 - Tyrell

From: Korean Adoptees of Hawai'i, Inc. [info@kahawaii.org]
Sent: Monday, March 21, 2011 6:55 AM
To: HMS Testimony
Cc: adoptioncirclehawaii@hotmail.com; hanaigirl@aol.com; amandarlowrey@gmail.com
Subject: hb1407 3/22/11 1:45 pm

DATE: March 22, 2011; Rm. 016, 1:45 p.m.

TO : Senator Suzanne Chun Oakland; Human Services 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 with amendments. KAHI is a 501(c)3 non-profit organization that supports allowing access to sealed adoption records to those who are parties to the adoption.

We are in SUPPORT of OPEN ADOPTION RECORDS, but we do not support HB 1407 HD1. It will make it WORSE for those seeking their information. We would only support a bill that includes a mandatory age of 18 to access records, gets rid of the intermediary system so that there is no longer sub-groups of adoptees having to go through different procedures and a contact preference option rather than a contact veto to give a voice to all but does not preclude them from the information that is necessary to their health, genealogy, family history and self-knowledge.

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. KAHI 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. KAHI 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 with the requested amendments and help it become law. Thank you for this opportunity to testify.

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Korean Adoptees of Hawai'i, Inc. (KAHI), is a charitable nonprofit member organization 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. KAHI believes in fostering awareness about adoption and identity, recognizing that we, as a community, can extend our reach beyond what we can accomplish individually.

E-mail us at info@KAHawaii.org
Visit us online at <http://www.KAHawaii.org>

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 1:53 PM
To: HMS Testimony
Cc: aigoossi@gmail.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: Yes
Submitted by: Yoon Bok-dong
Organization: Korean Adoptees of Hawai'i, Inc.
Address:
Phone:
E-mail: aigoossi@gmail.com
Submitted on: 3/21/2011

Comments:

March 20, 2011

MEMORANDUM

TO: The Honorable Suzanne Chun Oakland, Chair
Committee on Human Services

FROM: Harry and Doreen Akamine

SUBJECT: **H.B. 1407, HD1 RELATING TO ADOPTION RECORDS**

Hearing: Tuesday, March 22, 2011; 1:45 p.m.
Conference Room 016, State Capitol

COMMENTS ONLY

We are in support of **OPEN** adoption records. However, HB 1407 HD1 does not provide for **OPEN** adoption records; it merely extends the current intermediary system by creating another adoption class. We support a bill that will:

1. Allow the natural parent to file a contact preference in the sealed record at any time prior or after final petition;
2. Allow access to sealed records after the adopted individual attains the age of eighteen, upon submission of written request by the adopted individual;
3. Repeals the intermediary system;
4. Repeals the classes of adoptions (based upon the time of adoption);
5. Allows the adopted individual or adopted parents to request ethnic, racial, health or genetic information contained in the records;
6. Limits definition of natural parent to biological mother or father;
7. Adds definition of contact preference to mean a notarized written statement from a natural parent accepting or declining personal contact with the adopted individual; and

8. Requires the court to provide a copy of the contact preference to the adopted individual at the time of request to access records.

Thank you for the opportunity to comment.

DATE March 20, 2011

TO : Senator Suzanne Chun-Oakland, Chair of the House Judiciary Committee
Hearing date : March 22, 2011, 1 :45pm

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 the proposed draft submitted by Adoption Circle of Hawaii in response to H.B. No. 1407, HD 1

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 answers 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 20, 2011

TO : Senator Suzanne Chun-Oakland, Chair of the House Judiciary Committee
Hearing date : March 22, 2011, 1 :45pm

FR : Melvia Rodrigues, Adoptive parent

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

I am submitting testimony in SUPPORT of the proposed draft submitted by Adoption Circle of Hawaii in response to H.B. No. 1407, HD 1

I understand at the last hearing in the House Judiciary committee there were some adoptive parents that came out to oppose HB 1407. If my health was better, I would be here today to support my adoptive daughter and Adoption Circle of Hawaii's efforts in amending the current open records law.

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 amending this bill using Adoption Circle of Hawaii's draft.

DATE March 20, 2011

TO : Senator Suzanne Chun-Oakland, Chair of the House Judiciary Committee
Hearing date : March 22, 2011, 1 :45pm

FR : Gordon W. Mattos, Adoptee

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

I am submitting testimony in SUPPORT of the proposed draft submitted by Adoption Circle of Hawaii in response to H.B. No. 1407, HD 1

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 considering the proposed draft.

**To: Senator Suzanne Chun Oakland, Chair, Senate Human Services Committee
Senator Les Ihara, Vice-Chair, and the Senate Human Services Committee**

From: K. McGlone, PhD

Re: HB 1407 Relating to adoption records

Position: AMEND HB 1407 HD1 to allow adult adopted persons to access their records.

I request that you AMEND HB 1407 HD1 so adopted adults 18 years and up can request and receive their birth certificates and adoption records from Family Court. Adopted adults should be treated as adults in the law. Family Court protects minors. When adopted children grow up, there is no longer any reason for the state to remain involved with autonomous adults. Those adopted between the late 1940s and 1991 include adopted adults in midlife and even some senior citizens.

Under the current law, a birth parent who feels uncomfortable about their past can block their child, now an adult, from getting their birth information. A disclosure veto means that for this adopted adult, the state conveys that they cannot know their basic identity, the circumstances about their birth, a chance to find out their family's current medical history, or a chance to meet any of their family, including their siblings, nieces or nephews who might welcome the contact. As long as the intermediary system is in place which gives the power to birth parents to prevent the adopted adult from receiving their birth certificate, the state is infringing on the rights of adopted adults. The adopted adults who contacted Family Court, paid the money for the searches, and ended up with no birth certificate are denied, not because of anything they did, but because of their birth parent's feelings. Denying adopted adults their birth information raises significant civil rights concerns, since all other Americans have access to their birth information.

Birth parents should not be able to block an adult getting their own birth information. The institutionalized secrecy of adoption through sealed records facilitates the perpetuation of embarrassment and shame of unwanted pregnancy, unpreparedness to parent, and relinquishing one's own child no matter how little choice the birth parent felt they had. How does shame and guilt affect a person who has hid this information for many years? Keeping secrets doesn't mean the birth parent can forget all about it. My birth father disclosed to me when I first met him that not telling anyone about me "ate him up inside." I was 38 years old at the time and it happened to be the day the Berlin Wall came down, an apt metaphor for my first meeting my father. Oprah recently disclosed in her show that she had re-evaluated her sister selling the story of Oprah's teen pregnancy to the tabloids. Oprah said she realized her sister had given her a gift because she was freed of the secrecy and shame. Indeed, what is most likely to help resolve the pain of the past is openness.

Is it state policy to attempt to keep adults from facing their regrets and feelings? Keeping the secret of giving birth and relinquishing a child from the person who was most affected by it should not supersede the adopted adult's right to know their own identity. The birth parents' information should be kept private and only disclosed to those primarily affected. The intent of the original legislation in the country to seal adoption records and the writings of the leading child welfare organization at the time, the US Government's Children's Bureau, clearly show that the records were

preserved so adult adopted persons could come back and retrieve the information when they were adults.⁹

This law is about the release of information about the adopted person to the adopted person. This bill is not about prescribing contact or relationships. With the information, the adopted adults could choose to contact birth parents, after they choose to search, and if they find them and find them alive. All involved are now adults who negotiate contact and relationships with everyone in their lives. Data show that most birth mothers do not want to be anonymous to their own children and want to know about their well-being. Neither state laws nor adoption relinquishment documents have ever offered a guarantee to birthparents of anonymity from their children.^{5,6,9} Court decisions in Tennessee and Oregon determined that no enforceable promises exist regarding birth mothers' anonymity from their children.^{5,6}

A vast amount of evidence shows that adopted persons cannot 100% disconnect from their 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, and whether there is any demonstrable closeness between the birth family or not.

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 closed adoptions have written extensively and spoken on the need to reform these laws and end the secrecy.⁷ Much evidence exists to support openness. Specifically, these organizations support adopted adults being able to access their birth information: the Child Welfare League of America,⁴ American Academy of Pediatrics,¹ Evan B. Donaldson Adoption Institute,^{5,6} the American Adoption Congress, the North American Council on Adoptable Children,² the Episcopal Church,⁸ and even the federal government.³ The U.S. Department of Health and Human Services Administration on Children, Youth and Families provides resource information on searching for birth relatives separated by adoption.³

Actual data from states with open adoption records do not show an increase in abortions or a decrease in adoptions,^{5,6} which counters the speculation about abortion and adoption rates found in testimony opposed to a previous version of this bill.

In conclusion, I ask that you amend HB1407 HD1 to eliminate the intermediary system so that all adult adoptees are treated respectfully as adults, whether they are adopted before or after 1991. The court will give these adults their records after they make the proper written request. Times have changed. Unmarried mothers and single mothers are common. Genealogy and genetics are known to be important. It's time to modernize the law. I thank you for the opportunity to testify.

References related to HB 1407

¹ Borchers, MD, American Academy of Pediatrics Committee on Early Childhood, Adoption, and Dependent Care. (2003). Families and adoption: The pediatrician's role in supporting communication. *Pediatrics* (112)6, pp. 1437-1441.

² North American Council on Adoptable Children. (2005). *Access to Records* position statement. <http://www.nacac.org/policy/positions.html#Records> (downloaded 2-21-11).

³ 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.

⁴ Child Welfare League of America (2000). *Standards of Excellence for Adoption Services*. Washington, DC: Author.

⁵ Evan B. Donaldson Adoption Institute (2010). *For the records II: An examination of the history and impact of adult adoptee access to original birth certificates*. Policy & Practice Perspective. New York: Author. http://www.adoptioninstitute.org/research/2010_07_for_records.php (downloaded 2-6-11).

⁶ Evan B. Donaldson Adoption Institute (2007). *For the records: Restoring a legal right for adult adoptees*. New York: Author. http://www.adoptioninstitute.org/publications/2007_11_For_Records.pdf (downloaded 2-2-11)

⁷ 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.

⁸ General Convention of the Episcopal Church. (1982). Resolution D082, Urge state legislatures to make information available to adoptees. *Journal of the General Convention of the Episcopal Church*, New Orleans.

⁹ 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)

To: Sen. Chun-Oakland, Chair, Sen. Ihara, V.Chair & the Senate Human Services Committee
Re: HB 1407 Relating to adoption records, Rm 016 3/22/11 at 1:45 pm
Position: AMEND HB 1407 HD1 to allow adult adopted persons to access their records.

Dear Sen. Chun-Oakland, Chair, Sen. Ihara, Vice Chair and members of the Committee:

My name is Darrow Hand. I request that you AMEND HB 1407 HD1 relating to adoption in the following ways:

1. To give adopted persons 18 & over access to their records. I support open adoption records for adults. The Child Welfare League of America (CWLA) in their year 2000 adoption standards said agencies should promote policies to ensure that adults who were adopted have access to identifying information about themselves and their birth parents. CWLA said information about their origins is essential to adopted adults' identity and health needs.

2. To retroactively eliminate the intermediary system so that there are no longer sub-groups of adopted adults, having to go through different procedures to access their own records. My aunt, a 60 y.o. adult adoptee, says the closed records system makes her feel like she's in a caste system.

3. To include a contact preference option rather than a disclosure veto. A contact preference gives a voice to all parties involved. It allows for privacy to be maintained if so desired while at the same time allows the adult adoptee to gain necessary information for their health, genealogy, family history and self-knowledge.

In 2006, after much effort, my aunt found our family. I was excited and thrilled that she found us. I think it's unfortunate that I was deprived of the opportunity to grow up knowing her. In considering open records, what about the rights of the grandson of a birth mother to know his aunt?

Critics claim that a mandate to allow adult adoptees to see their records may run afoul of the constitutionally protected rights of privacy. This is not true. The Supreme Court of Tennessee and the Oregon Court of Appeals each found against such claims made by plaintiffs attempting to block open records. 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: "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).

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."

Critics of open adoption records claim that making such records open to adult adoptees would increase abortions. I have searched for any evidence to support this claim and have found none.

There are studies to show that abortions have decreased in states that have opened records, though this is likely more to do with a national trend. One critic of HB1407 stated that 2 of 8 birth mothers she contacted would have seriously considered abortions if the records were opened, yet she reported these same women were already in contact with their birth children. So it is illogical that these women would have considered abortion if their identity was revealed to their adult adoptee, given that that they were already in contact with them.

Critics also claim that adoptions would decrease if records were opened. Again, I can find no evidence in support of this claim. Common sense would suggest that letting adult adoptees see their records would have nothing to do with the decision to give them up for adoption as an infant.

In considering whether adoption records should be open to adult adoptees consider the purpose of sealing them in the first place and why these records are not destroyed? The only logical conclusion is that they are preserved so that they can be referenced by interested parties at a later date. Thus, they are preserved so that the adult adoptee can see them. This logic is congruent with the publications written when adoption laws were being developed, the US Government's Children's Bureau in 1941, 1946, 1949 expressed that adult adoptees should be able to access their original birth certificates. *Samuels, E (2001) The Idea of Adoption: An Inquiry into the History of Adult Adoptee Access to Birth Records, Rutgers Law Rev. 53, 367-437.*

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

March 20, 2011

TO: Sen. Chun Oakland, Chair
Members of the Senate Human Services Committee

FR: LAJ Young

RE: Comments on HB 1407, HD1

I was raised by adoptive parents who nurtured me to be quite proud of my special status. At the age of 21, my adoptive parents assisted me in searching for my birth family, and when the adoption records unit told my adoptive Dad that we couldn't have information from my sealed file, he was surprised and hurt. In his mind, it was OUR family's information, not the State's.

Thus, I find it unfortunate that the House Draft 1 continues the practice of sealed adoption records and the resulting secrecy imposed on members of the adoption triad. Why is it that we feel the need to keep secrets when it comes to birth history for adoptees? If you are not adopted, you can join any of a thousand genealogy groups. If you are a celebrity, you can participate in a broadcast about your genealogy that millions can view as you explore your ancestry. But, for some reason, we can't allow adoptees to share that same experience – what is in the adoptee's birth history that is so shameful that the State needs to protect the parties involved in the adoption from each other?

Whether one is relinquished as an infant in a closed "secret" adoption, or one is adopted as an older foster child in a more "open" relationship, each of these children has a birth heritage and family history. Many of those histories are likely not pretty. My birth family history was not pretty, as I found out. Did it surprise me – no. Would my birth mother have relinquished me if she had any other choice - of course not – she made a Hobson's choice. Luckily for both of us, I was able to find her despite sealed record laws that judged her and me unworthy to know each other merely because of my birth status. We enjoyed a 20-year relationship that only recently ended with her passing. And I continue to enjoy relationships with cousins, aunties and uncles.

Opponents of open records will tell you that they are protecting the identity of birthparents who choose not to be disclosed. Yet, adoptive parents are paying the costs of the adoption, so whose interests are really being protected? Only in adoption, can one attorney or one agency represent the diverse interests of three distinct parties; in any other legal transaction, this would be considered unethical.

For more than two decades, the Adoption Circle of Hawaii (ACH) has been committed to and involved with all members of the adoption triad – adoptive parents, birth parents, and adoptees – as they seek lost family members. ACH volunteers, in addition to being triad members, are also psychologists, social workers, and health care professionals. They are experts on this issue; they have lived it and studied it, every step along the way.

ACH is offering a proposed Senate Draft 1 that is a compromise from the original HB 1407. It allows adoptees access to their family history, while offering privacy to birth parents who may not want contact with the adoptee. Please amend HB 1407, HD1, with the proposed Senate Draft 1.

"There is no shame is not knowing; the shame is in not finding out".

Comments concerning 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 Legislature should confirm that all who bring babies into the world, later giving them up, will retain certain enduring and inalienable obligations toward them. At a minimum, the Legislature should remove Hawaii's administrative barriers that effectively prevent grown adoptees from making contact with their biological parents.

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

Committee on Human Services

Date: 3/22/11 Rm. 016

Re: HB1407 - HD1...Should be amended to include the draft version submitted by the Adoption Circle of Hawai'i, ie:

*To give adoption persons over 18 access to their records. **I support open adoption records for adults.** To eliminate the intermediary system so that there are no longer sub-groups of adult adoptees having to go through different procedures to access their own records, To include a contact preference option rather than a disclosure veto. A contact preference gives a voice to all and allows adult adoptees to gain the information that is necessary for their health, genealogy, family history and self-knowledge*

Dear Sen. Chun-Oakland Chair, Sen: Ihara, Vice Chair and Committee members:

What are we thinking about in Bill HB1407 HD-1 as it is now written? Every adoptee should have access to their genetic information. Since birth certificates in our society are needed for purposes of identification while adoptees as youngsters are still entering school, BIRTH PARENTS should not be named on that sort of "ID."

But original birth record information should be open and available to adoptees as adults (my own sister who was given out for adoption recommends aged 21 due to the impact on family members).

Hawai'i has the highest suicide rate in the country. Let us not put more stress on adoptees dealing with discontinuity and self-esteem issues than the normal population. I am a resident of Hawai'i which is where a sister born in 1950 located and phoned me at my home in 2007. My sister feels she is a member of a caste system. Open records give adoptees a ray of hope.

According to Thomas Bouchard, Jr., Minnesota Center's Twins and Adoption Researcher "the genetic effect pervades the entire structure of personality." We TWO found that all our lives we had been on the same wave length and in tune: for example we both went to Africa to live there at a time when very few Americans did so.

But 3 decades ahead of Bouchard's work, my mother started maintaining that DNA



The writer Julianna Freehand age 22, and her sister in West Africa at 20 who followed a co-worker there to marry him. FreeHand married a Peace Corps Volunteer she met there after returning home.

was the deciding factor in personality development . Why her opinion mattered to me between the ages of 9-11, I've no idea but it is something I do recall from that time period. We now know from what meager information the agency would divulge, she resisted signing adoption paperwork for 4 years trying to rescue her baby. I don't remember her being pregnant when I was nine, since that was the year my mother had sent me to be at my grandparents while she had an operation (subsequently translated to giving birth and putting that baby into foster care).



And In our reunion after 57 years, my sister and I discovered we had been unwittingly in tandem creatively. While I took photographs which were published in books and exhibited in museum shows, she was modeling and then becoming a fashion designer working for such companies as Liz Claiborne and Calvin Klein. My sister even knew before she found us that our mother was dead. Mother passed away within a decade of her relinquishment of her baby.

Hawai'i isn't like the rest of the United States. I am not speaking of hana'i or even the extended family but of something much deeper in the human spirit. Why in this day and age do we value secrets (mislabeled privacy) above mental health and the blood bond? We are just now beginning to look at commonly reported synchronicities between birth family members and separated adoptees.

However, Hawaiian's have known such synchronicity existed for centuries as seen in ***HO'OPONO: the Hawaiian Way to Put Things Back Into Balance*** by Pali Jay Lee: *"It is said that during ancient times, the people ...were able to communicate with each other even if they were miles apart. Today this is called ESP, but then it was just a natural process of communication. As they were all a part of the whole, they saw no difficulty in one part reaching another."*

So, the ancients had no secrets from each other's hearts and minds; yet today's modern society deepens competition and existential alienation.. Between my half-sister's birth and our first meeting some fifty years later, recent social change -- brought about by the Feminist Movement, a high divorce rate, and equal custody-- occurred which changed public judgmental mind-set regarding single parenthood.

Thank you for the opportunity to testify,

Julianna FreeHand
Honolulu, HI

**Testimony in Opposition to HB1407 HD1 and in
Support of Hawaii Adoption Circle's Proposed
Draft RE: Open Adoption Records**

TO: Senate Human Service Committee

Firstly, I want to thank this committee for this hearing and for allowing me the opportunity to testify on this matter which is near and dear to me both personally and professionally. My name is Dr. Gina Bailey and I am a birth mother who re-united with her son five years ago-- 27 years after relinquishment.

Professionally, I have read volumes on this topic, write and conduct workshops with adoptees and birth mothers; which are being compiled into a 'StoryBook for Healing', am a consultant for all members of the triad, recently published a chapter on the topic and am currently co-authoring a book on adoption issues. With this said, and given I am a birth mother who relinquished her son at age 17 due to the prejudices of the times, I want to focus upon some of the myths that were perpetuated during the last hearing on HB 1407 which morphed into HB 1407 HD1; the latter is a bill I do not support. Although I could not attend the last hearing, I read all the transcripts/testimony. After a rudimentary content analysis of those testimonies (not statistical), the following are the myths that were circulated and strangely affirmed by certain persons.

- 1) The need to protect birth mothers' privacy or we "will have too few babies being offered for adoption and these women will opt for abortion." Foremost, DO NOT SPEAK FOR ME/US AS A BIRTH MOTHERS. Until one has walked a mile in our slippas, one has no comprehension of the lifelong trauma and angst associated with being separated from your child. It is a death without any social forum for mourning. The same applies to adoptees but I will allow them to speak for themselves. Research overwhelmingly suggests that birth mothers DO NOT want to remain anonymous to their children and look forward to the time when they are able to re-unite. We want/need to know our children are healthy, safe, and alive. Birth mothers no longer stand in the wings as pariahs. We might have been victims of circumstances when we were young but we are no longer victims. We are adults who do not need 'privacy' nor 'protection' from any governmental agency. This 'privacy protection' concept smacks of paternalism,

sexism, and, at times, classism. Birth mothers around the world have united and are using our voices in numerous ways to change antiquated laws.

- 2) There exists no consistent positive correlation between open adoption records and abortion. To the contrary, those states, Kansas and Alaska, where adult adopted persons have always had access to their original birth certificates; the abortion rate is lower than the national rate.
- 3) We do not need a 'veto right' in any adoption bill nor a 10 year waiting period to change our minds. People change in 10 years-sometimes radically. Are you the same person you were 10 years ago? We need to replace the 10 year veto law with a 'contact preference' form that can be changed at any time as people change ALL THE TIME. Furthermore, we live in a technological advanced world where with time, effort, and funds, we can find almost anyone (there are even TV shows about this now). When an adoptee is of age, she or he can make their own decision to search or not search; welcome a reunion or deny it. No third party or intermediary is needed. I find it completely infantilizing to assume any 'third party' is needed to navigate these relationships. For example, I have adopted friends who are currently serving in our two wars yet; they do not have the right to their own birth records and if they want to search they must jump through almost insurmountable bureaucratic hoops. They can die for our country without an intermediary but need one to learn of their origins? Denying adult adoptees their birth information or placing barriers to access raises significant civil rights concerns, since all other Americans have access to their information.
- 4) No one 'owns' anyone. This applies to birth parents, adoptive parents, spouses, etc. When all people become of age, they have choices. Adoptees and birth parents deserve these same choices.
- 5) 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 this separation causes extreme distress in both lives.

- 6) Lastly, as you read and hear testimony contrary to mine, I urge you to keep in mind the old adage, "Follow the money." Ask yourselves, who has to financially gain and/or lose from open adoption records? Please allow this and the above research based testimony to guide your thinking in the deliberation of this bill.

In summary, I 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 of whimsical. They are real and they are 'good cause' under the law and God."

Respectfully Submitted,
Gina Bailey, Ph.D.

* Literature, statistics, and research available upon request.

DATE: March 22, 2011

TO : Senator Chun-Oakland, Chair
Senator Ihara, Vice Chair
Senate Human Services Committee

FR : J. Takane, Honolulu 96822

RE : HB 1407 HD 1; Relating to Adoption Records

Aloha, I am submitting testimony in **OPPOSITION to HB 1407 HD1**. I am an adoptee who supports allowing access to sealed adoption records to adult adoptees, period. The House Judiciary's amendment of this bill has reversed the very intention of it. It has created yet *another* subgroup of future adoptees that must go through the intermediary process, as well as the contact veto. This Committee fails to understand the basic premise that as tax-paying, voting Hawaiian citizens, we as adults should have access to what everyone else has a right to; their biological, genealogical, medical, and family history. This is not about **privacy**, it's about **civil rights**.

I was there at the House Judiciary Committee hearing and found myself taken aback by some of the testimony. I'm saddened by the mythology, misinformation and fear that open records seem to evoke among some people.

The testimonies from young adoptive parents in fear of losing their children stood out. This is a myth that has been perpetuated long enough . They have yet to realize the strength of loyalty that adoptees feel to their adoptive parents. Many adoptees don't search until their parents pass away, often sacrificing their need to know just so that they don't hurt the people who have raised them and loved them as their own. I'm sure some of you think...well that's the right thing to do. But they may have waited too long and suffer more loss finding their birth parents have passed away. These parents also haven't dealt with some of the struggles with identity and the age-old questions of "Who am I?" that their adoptees, as they grow older, may face every day of their lives. The burden isn't knowing, it is in NOT knowing.

A few representatives talked about the abortion rate going up if there were open records. I want them to think about that. Would a 16 year old pregnant girl, or even one that is older be even *thinking* about 20 years into the future to be concerned with being found? No, they are thinking... "What the heck am I going to do NOW?!" Research and statistics bear this out as a matter of fact. In state where adoption records are open, abortion rates as well as adoption rates *stay the same*.

I kept hearing about the "poor traumatized birthmother." I'm one of the lucky ones, I know my birth mother . She is now as she was then, always a strong minded woman. She 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. She never once thought to deny me as her child. And you can't convince me that a mother who has carried a baby for nine months and made the ultimate sacrifice for that baby's well being by giving him/her up, would not want to know if this child is still alive, safe, happy, healthy and raised by loving parents.

Coming from a loving adoptive home and caring supportive parents has nothing to do with my need to know. My adoptive parents could not give me crucial information about my health that reuniting with my birth mother did.

Two of her brothers died of cancer. High blood pressure and diabetes runs in her family. Knowing this, now there are steps I can take to prevent this from happening to me. The information I now have about myself is **life-saving**. 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, human beings trying to come to grips with how one single event changed our lives forever.

In conclusion, I would like to make one more point.

When you ask any parent from any religious, socio-economic, ethnic, age group and country, "what do you want for your children?" They all say without fail the same thing. I want my child to be happy and healthy. If that is really true, then adoptive and birth parents must stand with us, not against us in our quest to be happy, healthy ADULT adoptees.

Before there were such laws governing adoption here in Hawaii, there was the practice of hanai. 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 AMEND** this bill back into its original intent.

DATE: March 2, 2011

TO : Senator Chun-Oakland, Chair
Senator Ihara, Vice Chair
Senate Human Services Committee

FR : J. Takane, Honolulu 96822

RE : Proposed amendments to HB 1407 HD 1; Relating to Adoption Records in response to opposing testimony

1) Eliminate contact veto and replace it with a contact preference form which balances the rights of birth parents and adoptees to voice their desire for contact or not. It should be fluid in nature so should either party choose to change their minds they can.

The contact veto was put in place because of the concerns with birthmother's confidentiality/privacy.

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. It passed but was challenged on the grounds that it violated privacy and contractual laws. The reasons the case failed were::

a. 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>)

b. 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. One could even say that keeping their birth information from an adult adoptee violates his/her right to be free from unwarranted governmental intrusion.

2) Instituting a majority age in which ALL adoptees will have access to their adoption records.

At the age of 18, we are all responsible for our own actions, legally speaking. We can die in war, get married without consent, etc. We should be allowed to have critical information about ourselves, too.

3) Eliminate the three groups of adoptees that the House Judiciary amendments are trying to create by repealing the intermediary system so that ALL ADULT ADOPTEES have access to their records.

Creating this three-tiered group would create more confusion for Family Court and for Adult adoptees. Simply eliminating the intermediary process will not cost money and will free Family Court to do their job of helping children and families.

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

Date: March 22, 2011

TO : Senator Chun-Oakland, Chair
Senator Ihara, Vice-Chair
Senate Human Services Committee

FR : George and Maile Takane, Honolulu, 96822

RE : H.B. 1407 HD 1
Relating to Adoption Records

Aloha, my wife and I are respectfully submitting the following in opposing the proposed House Judiciary form of HB 1407, HD1. The amending of HB 1407 by the House Judiciary means that it is no longer a bill for open adoption records but rather produces a whole other subclass of adoptees having to endure an intermediary process and contact veto that continues to treat them as children.

We are adoptive parents who support allowing access to sealed adoption records to adult adoptees, bar none. As an adult, she should be afforded the same right to life, liberty and the pursuit of happiness that we, her adoptive parents and they, her birth parents have.

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 birthmother 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.

Thank you for taking the time to read our testimony and we respectfully ask that you please amend the House proposed draft and redress the inequities and indignities that my daughter and all other who are adopted have endure simply to get the information that is necessary to their lives and the lives of their future children and children's children.

Aloha, George and Maile Takane
(signed)

DATE: March 2, 2011

TO : Senator Chun-Oakland, Chair
Senator Ihara, Vice Chair
Senate Human Services Committee

FR : George and Maile Takane, Honolulu 96822

RE : Proposed amendments to HB 1407 HD 1; Relating to Adoption Records in response to opposing testimony that we were witness to

1) Eliminate contact veto and replace it with a contact preference form which balances the rights of birth parents and adoptees to voice their desire for contact or not. There should be an option to change their minds at any time.

2) Instituting a majority age in which ALL adoptees will have access to their adoption records.

At the age of 18, adoptees and all other adults are of consenting age are able to drive a car, enlist and go to war, .adoptees should be able to seen as adults who can be trusted to keep birth parents' privacy private.

3) Eliminate the three groups of adoptees that the House Judiciary amendments have created by repealing the intermediary system so that ALL ADULT ADOPTEES have access to their records.

This three-tiered group would create more confusion for Family Court and for Adult adoptees. Simply eliminating the intermediary process will not cost money and will free Family Court to do their job of helping children and families, not supervising adult adoptees..

Date: March 22, 2011
To: Representative Keith-Agaran, Chair
Representative Karl Rhoads, Vice Chair
House Judiciary Committee
Re: Comments in favor of amending House Bill 1407

Recommend the following amendments to HR 1407

- 1) The Bill recognize the right of all persons to have access to their original birth certificate
- 2) Provide that adopted persons 18 or over be granted access to the original birth certificate at the same cost charged to obtain a copy of the birth certificate.
- 3) Eliminate the requirement for confidential intermediary as this puts in doubt the right of the person to have this information.
- 4) Provide a contact veto for the natural parent to inform the adopted person that a) contact is wanted, b) contact is wanted with a mediator present, c) contact is not wanted. This provision provides a line of communication from the natural parent to the adopted person without precluding the adopted person's right to access the OBC.

I offer the following reasoning.

- A. Adopted persons have a basic human right to know their natural parents.
- 1) *The Episcopal Church in 1982, through resolution D-082*, urges legislatures throughout the country to make the original birth certificate available to adopted persons OF LEGAL AGE without having to apply for it at any court.
 - 2) *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) AND 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."
 - 4) *The UN Convention on the Rights of the Child*, Article 8.1 "States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference."
 - 5) Margaret Sommerville, writing in *Symposium: The Jurisprudence of the Family: Foundations and Principles*, Bratislava School of Law, Bratislava, Slovakia, May 28, 29, 2010, page 3: "I propose that the most fundamental right of all is a child's right to be born from natural biological origins and that children have human rights with respect to their biological parents and families and that these rights must be recognized."
 - 6) J. David Velleman, in *Family History*, (Philosophical Papers, Vol. 34, no. 3 (November 2005): 357-378, writes: "I maintain that knowing one's relatives and especially one's parents provides a kind of self-knowledge that is of irreplaceable value in the life-task of identity formation."

- 7) These provide evidence of wide feeling that an adopted person should be allowed as a matter of basic right knowledge of the identity of the natural parents.
- B) There is no constitutionally protected right to privacy with respect to adoption
- 1) Susan Whittaker Hughes, "The Only Americans Legally Prohibited from Knowing Who Their Birth Parents Are: A Rejection of Privacy Rights as a Bar to Adult Adoptees' Access to Original Birth and Adoption Records" *Cleveland Law Review*, vol. 55, p. 444, "Constitutional privacy has two prongs. As the Supreme Court in *Whalen v. Roe* explained, first, it involves an individual's freedom from governmental interference with fundamental rights such that the individual is able to make decisions surrounding important matters independently. Secondly, constitutional privacy includes an individual's right to be free from the government's gathering and disclosure of his or her personal information. "When examined against these two prongs, birth parent privacy assertions lack sufficient weight to be afforded the protection that they have enjoyed. Privacy assertions made under the first prong, for example, do not work because open access statutes will not impede the exercise of fundamental rights and because adoption rights, as statutory creations, do not give rise to privacy protections only afforded to fundamental rights. Privacy assertions made under the second prong fail because open access statutes do not violate a birth parent's right to informational privacy. For these overarching reasons, and for the supporting reasoning outlined below [not provided here], birth parent privacy claims against open access statutes should not be given the legal weight that they have historically enjoyed, and adult adoptees should have unrestricted access to their original birth and adoption records."
 - 2) Federal Appellate, *Doe v. Sundquist*, 106 F.3d 702 (6th Cir. 1997) (open records) The constitutional right to privacy did not include a right to remain anonymous in adoption surrenders.

A Tennessee bill made adoption records available to adoptees 21 years of age or older. Information could be released only to the adult adoptee, parents, siblings, lineal descendants, or lineal ancestors, of the adoptee, and only with the adoptee's written consent.

A birth mother, an adoptive couple, and a child-placing agency moved to block the statute's enforcement, arguing that it violated their constitutional right to familial privacy and reproductive privacy. The district court denied their motion.

On appeal, the sixth circuit first noted that births were both intimate occasions and public events, records of which the government had long kept, for many reasons. The court then rejected the familial privacy argument because the statute would still leave people in Tennessee free to marry, raise children, adopt children, and surrender children for adoption. The court also rejected the reproductive privacy argument, reasoning that, because statute did not limit adoptions or unduly burden the adoption process.
 - 3) There is no constitutionally protected right of privacy with respect to adoption proceedings.

Recap:

In light of the right of all persons to know their natural parents, that there is no constitutionally provided right to privacy in adoption proceedings, I argue that HR 1407 be amended as described above.

Thank you for the opportunity to provide these comments in favor of amending HR 1407. I am an adopted person living in New York. My natural mother is Hawaiian and was eager for me to find her. Unfortunately due to mistaken beliefs about natural parent confidentiality, her desire that I know both of my natural parents was not realized for fifty years. She was not promised confidentiality, nor did she seek it. Today, she lives in Honolulu and is almost 81 years old. We are now in regular communication.

Respectfully,

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

DATE: March 22, 2011; Rm. 016, 1:45 pm

TO : Senator Suzanne Chun Oakland; Human Services Committee Chair

FR : Amanda Lowrey, Ph.D.
55 S. Kukui St, 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.

I am in SUPPORT of OPEN ADOPTION RECORDS. But I do not support HB 1407 HD1. It will make it WORSE for those seeking their information. I would only support a bill that includes a mandatory age of 18 to access records, gets rid of the intermediary system so that there is no longer sub-groups of adoptees having to go through different procedures and a contact preference option rather than a contact veto to give a voice to all but does not preclude them from the information that is necessary to their health, genealogy, family history and self-knowledge.

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.

DATE March 20, 2011

TO: Senator Suzanne Chun-Oakland, Chair of the House Judiciary Committee
Hearing date: March 22, 2011, 1:45pm

FR: Erin Iwalani Castillo LCSW, DCSW, adopted person and social worker
Kaneohe, Hi

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

I am submitting testimony in SUPPORT of the proposed draft submitted by Adoption Circle of Hawaii in response to H.B. No. 1407, HD 1, the draft is attached

I was at the House judiciary hearing and listened to the verbal testimony. I later read the opposing testimonies. Based on what I read and heard, it appears the opposition focused on these two areas;

- Opposition to birth parents names on the amended birth certificate along with the adoptive parents names
- Minors having access to their adoption records

In response, the Adoption Circle of Hawaii prepared a draft that I hope the legislature will utilize instead of HB1407 HD1.

In the draft,

- The intermediary process is eliminated.
- The addition of the birth parent name on the amended birth certificate is deleted.
- Indicates the adoption records will be available to adopted persons at age 18 – the original bill had no age definition.
- A contact preference form is offered for birth parents and adopted persons to submit to indicate their preference in not being contacted after the adopted individual becomes 18.

My comment on contact preferences is that birth mothers need the time and space to grieve from the loss of relinquishment. Time may be needed to make a decision about having contact with their birth child 18 or more years later.

I also want to comment on the issue of birthparents' privacy. I agree we need to keep their relinquishment private. It is a private matter between the birth parent and the adopted individual. The two adults can share with each other the circumstance leading

up to the relinquishment. Genealogy, cultural, and medical information can also be shared at that time.

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.

In the old days, our ancestors practiced openness with the "Hanai" system. Let's make things pono by giving adopted people their history.

I appreciate the opportunity to submit my testimony

A BILL FOR AN ACT

RELATING TO ADOPTION RECORDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 587-15, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Upon the entry of the decree, or upon the later effective date of the decree, or upon the dismissal or discontinuance or other final disposition of the petition, the clerk of the court shall seal all records in the proceedings; provided that upon the written request of the petitioner or petitioners, the court may waive the requirement that the records be sealed; provided further that the natural parent may place a contact preference into the sealed record at any time prior to or after the final disposition of the petition. The seal shall not be broken and the records shall not be inspected by any person, ~~[including the parties to the proceedings,]~~ except in the following circumstances:

- (1) Upon order of the family court upon a showing of good cause;
- (2) ~~[For adoptions which occurred prior to January 1, 1991, after the adopted individual attains the age of~~

~~eighteen and upon submission to the family court of a written request for inspection by the adopted individual or the adoptive parents [in accordance with the following:~~

~~(A) Within sixty calendar days after receipt of a request for inspection, the family court, by certified mail with return receipt requested, shall mail to the last known address of each natural parent a notice of the request for inspection of adoption records, a copy of the request for inspection and copies of any accompanying letters, photographs, or other documents submitted in support of the request. The notice shall inform the natural parent that unless an affidavit signed by the natural parent requesting confidentiality is received by the family court within sixty calendar days of the date of receipt of the notice, the natural parent will be deemed to have waived any rights of confidentiality and the records shall be subject to inspection by the adopted individual or the adoptive parent who submitted the request. The~~

~~notice shall also inform the natural parent that an affidavit requesting confidentiality for a period of ten years may be filed. A blank affidavit to be completed and signed by the natural parent shall be mailed with the notice,~~

~~(B) If the family court has received a return receipt for the notice but an affidavit requesting confidentiality is not received by the family court within sixty calendar days of the date of receipt of the notice, the family court shall allow inspection under this section,~~

~~(C) If the notice is returned as undeliverable to a natural parent, the family court shall designate an agent or agency to conduct a good faith and diligent search to locate the natural parent and to provide the notice and all other documents required under subparagraph (A). The search shall extend over a period not to exceed one hundred eighty calendar days. Contacts with natural parents by a designated agent or agency under this section shall be personal, whenever possible, and confidential. The family court~~

~~shall provide the designated agent or agency with a copy of the request for inspection and copies of any accompanying letters, photographs, or other documents submitted in support of the request, and the designated agent or agency shall present the copies to the natural parent when contacted. The family court and the designated agent or agency shall ensure that no person other than a natural parent or the agent or agency through which a natural parent obtained assistance for the adoption is informed of the adoptive individual's existence and the relationship to the natural parent,~~

~~(D) If a natural parent cannot be located after the search conducted under subparagraph (C), the family court shall allow inspection under this section,~~

~~(E) If an affidavit requesting confidentiality is received by the family court within sixty calendar days of the date of receipt of the notice provided under subparagraph (A) or (C),~~

~~the family court shall not allow inspection during the effective period of the affidavit;~~

~~(F) If a ten-year affidavit is filed under~~

~~subparagraph (E), the natural parent may refile affidavits every ten years thereafter to maintain confidentiality, or the natural parent may file an affidavit effective for the remainder of the natural parent's lifetime. All affidavits subsequent to the initial affidavit may be filed within ninety calendar days before the last effective day of the initial affidavit. If there is no effective affidavit on file with the family court at the time a request for inspection is received by the court, the court shall allow inspection under this paragraph;~~

~~(G) An affidavit requesting confidentiality shall be~~

~~effective until the last day of the period for which the affidavit was filed, until the natural parent revokes the affidavit, or until the natural parent is deceased, whichever occurs sooner; and~~

- ~~(H) Where two natural parents are involved and confidentiality is waived under this paragraph by only one natural parent, the inspection of the records shall not include any identifying information concerning the other natural parent;~~
- ~~(3) For adoptions occurring after December 31, 1990, in accordance with the following:~~
- ~~(A) Each natural parent shall be informed of the procedures required under this paragraph if the natural parent desires to maintain confidentiality after the adopted individual attains the age of eighteen;~~
- ~~(B) Within ninety calendar days before the adopted individual attains the age of eighteen a natural parent may file an affidavit with the family court to request confidentiality and the natural parent may refile affidavits every ten years thereafter to maintain confidentiality [or the natural parent may file an affidavit effective for the remainder of the natural parent's lifetime. All affidavits after the initial affidavit may be filed within ninety calendar~~

~~days before the last effective day of the initial affidavit,~~

~~(C) If a natural parent declines or fails to file an affidavit under subparagraph (B), the family court shall allow inspection of the record by the adopted individual or the adoptive parents at any time after the adopted individual has attained the age of eighteen; and~~

~~(D) Where two natural parents are involved and confidentiality is waived under this paragraph by only one natural parent, the inspection of the records shall not include any identifying information concerning the other natural parent;~~

~~(4) For all adoptions, regardless of date of occurrence, after the adopted individual attains the age of eighteen and upon submission to the family court of a written request for inspection by a natural parent, provided that the adopted individual shall have the same rights and obligations applicable to natural parents under paragraphs (2) and (3), including rights of notice and opportunity to file affidavits requesting confidentiality.]~~

~~{(5)}~~ For all adoptions, regardless of date of occurrence, after the adopted individual attains the age of eighteen and upon submission of ~~an affidavit by a natural parent consenting to inspection of records by the adoptee or an affidavit submitted by an adoptee consenting to the inspection of records by the natural parents; provided that where only one natural parent files an affidavit for consent, the inspection of records shall not include any identifying information concerning the other natural parent~~ a written request for inspection by the adopted individual; provided that the family court shall provide the adopted individual with a copy of the contact preference filed in the sealed record at the time the request for inspection is submitted to the court;

~~{(6)}~~ (3) Upon request by the adopted individual or the adoptive parents for ethnic, racial, health, or genetic information contained in the records [~~concerning ethnic background and necessary medical, notwithstanding any affidavit requesting confidentiality~~]; or

~~{(7)}~~ (4) Upon request by a natural parent for a copy of
the original birth certificate.

As used in this subsection[,natural]:

"Natural parent" means a biological mother or father~~[, or
a legal parent who is not also the biological parent]~~.

"Contact preference" means a notarized written statement
from a natural parent indicating whether the natural parent
accepts or declines personal contact with the adopted individual
when the adopted individual attains the age of eighteen."

SECTION 2. Statutory material to be repealed is bracketed
and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

Report Title:

Adoption records; family courts

Description:

Authorizes family courts to provide access to adoption records once the adopted individual reaches age 18, upon written request; allows natural parents to file a contact preference in the sealed adoption record.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

DATE: March 22, 2011

TO : Senator Chun-Oakland, Chair
Senate Human Services Committee

FR : Stan Toma
Los Alamitos, CA 90720

RE : H.B. 1407 HD 1
Relating to Adoption Records

I am submitting comments only with regards to HB 1407 HD 1.

I am an adoptee who supports allowing access to sealed adoption records to adult adoptees, at 18 years old. I realize that the House Judiciary proposed amendments will (1) create one more group of future adoptees who will have to go through an intermediary procedure and (2) reintroduce the contact veto. Given that we are all adults, it should not be necessary to revert back to the old ways but instead, redress the civil rights of adoptees to know their medical, genealogical and family history.

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.

Please consider changing the proposed amendments of HB 1407 HD1 back to a true law for openness, truth, and justice.

Sincerely,

Stan Toma

March 22, 2011

TO: Senator Chun Oakland, Chair, Senate Committee on Human Services

FR: Jacquelyn Wesolosky

RE: HB1407: Relating to Adoption Records

Aloha. Thank you for hearing my testimony.

I request that you amend HB1407 HD1

- 1) To give adopted persons over 18 access to their records. I support open adoption records for all adoptees.
- 2) To eliminate the three tier nature of the bill as amended right now...which states that there are different rules in effect if you are born on or after 1/1/2012, if you were born before 1991 and if you were born after 1991. It is a nightmare to understand, it is a nightmare of inconsistent civil rights and it would be a nightmare to implement. SIMPLIFY THE LAW, PROVIDE ALL ADOPTEES EQUAL RIGHTS.
- 3) To include a contact preference option rather than a disclosure veto. This would serve to give a voice to all-it allows the adoptee to gain the information that is necessary for their health, geneology, family history and self-knowledge.

I AM A BIRTHMOTHER. I gave birth to my only child in 1966. My son was adopted three days after. Lifelong anonymity was not offered to me it was imposed on me in a very fearfull situation. 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. In July 2008 my son and I found each other. Both of us had 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 changed immediately, to protect the adoptees mental health and identity as well as their personal lives. 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-even birthmothers have a chance to heal. No matter how old, we birthmothers bury our heart break deeper each year. It is shame and fear that have been my mountains in life-I was afraid to be honest. 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. Laws that keep adoptees from their records are the same laws that promulgate the guilt and shame that birthmothers feel. You as a legislative body have the opportunity to change this situation today.

If I could somehow transform the freedom from guilt and shame, the incredible happiness and the healing that I progressively feel now that my son and I have been reunited into a beautiful painting to hang in an art gallery or into a clever play 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-a testimony to freedom, to love, to inspiration as a birthmother. 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?

Please listen too the facts as they are presented. Please take time to understand the law and what is being requested for a new amendment. You are the people we elected to take care of our best interests...please take the time with this bill. Look at the literature on adoptive reunions and healing. Thank you. It has been an honor for me to have another opportunity to speak with you today. Jacquelyn Wesolosky

House Judiciary Committee hearing March 2nd, 2:05 pm, room 325

HB 1407, re Adoption Records

To: Representative Keith-Agaran, Chair of the Judiciary Committee
and other Committee members

Please support HB 1407, which will allow adoptees 18 years old or older access to their own adoption records.

Among many reasons to support this bill:

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

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

Please support HB 1407.

Sincerely,

Alexandra Bley Vroman
Honolulu Friends Meeting

House Judiciary Committee hearing March 2nd, 2:05 pm, room 325

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Sincerely,


(Honolulu Friends Quaker)

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Sincerely,

Judith A. Sale
323 D Kaelepulu Dr.
Kailua, HI 96734

(Honolulu Friends Meeting)

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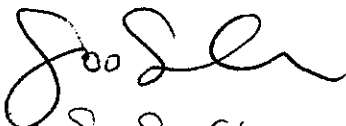
Adults adopted as children no longer need protection. As autonomous adults, they can decide for themselves what is in their best interests.

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We all have the right to know - or should have the right to know where we came from. Many adoptees from Korea face serious obstacles in obtaining their birth records - we really shouldn't be having the same problem domestically in our own country and our state of Hawaii.

Please support HB 1407. Thank you.

Sincerely,



Soo Sun Chae

(Honolulu Friends Meeting)
2426 Oahu Ave.

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Please support HB 1407.

Sincerely,

Roberta Bley-Vroman
2031A Atherton Rd 96822
vroman@hawaii.edu

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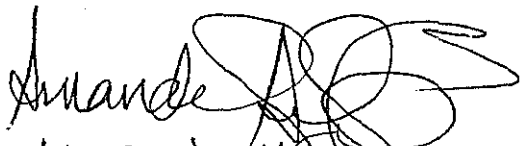
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Please support HB 1407.

Sincerely,


Amanda
46-318 #70
Kaneohe, HI 96744
(Honolulu Friends Meeting)

House Judiciary Committee hearing March 2nd, 2:05 pm, room 325

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Sincerely,

Mary Ann Meyer
Honolulu Friends Mtg

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Sincerely,

*Patsy Coyle Whinn
(Honolulu Friends Meeting)*

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Please support HB 1407.

Sincerely,

*Marilyn Kay Larsen
(Honolulu Friends Meeting)*

House Judiciary Committee hearing March 2nd, 2:05 pm, room 325

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Please support HB 1407, which will allow adoptees 18 years old or older access to their own adoption records.

Among many reasons to support this bill:

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

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

Please support HB 1407.

Sincerely,



(Honolulu Friends Meeting)

House Judiciary Committee hearing March 2nd, 2:05 pm, room 325

HB 1407, re Adoption Records

To: Representative Keith-Agaran, Chair of the Judiciary Committee
and other Committee members

Please support HB 1407, which will allow adoptees 18 years old or older access to their own adoption records.

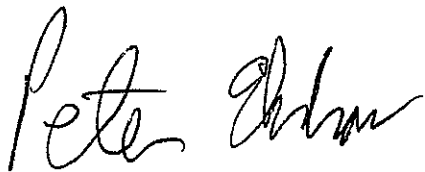
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Adults adopted as children no longer need protection. As autonomous adults, they can decide for themselves what is in their best interests.

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

Please support HB 1407.

Sincerely,

A handwritten signature in cursive script that reads "Peter Adams".

254 Kaha St

Kailua, HI 96739

(Hon. Friends Meeting)

House Judiciary Committee hearing March 2nd, 2:05 pm, room 325

HB 1407, re Adoption Records

To: Representative Keith-Agaran, Chair of the Judiciary Committee
and other Committee members

Please support HB 1407, which will allow adoptees 18 years old or older access to their own adoption records.

Among many reasons to support this bill:

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

Most People who were HANA1 - have know
thier Record but deserve it in writting
Patricia A Altier (Yarmouth Mass
Quaker Meeting)

Please support HB 1407.

Sincerely,

House Judiciary Committee hearing March 2nd, 2:05 pm, room 325

HB 1407, re Adoption Records

To: Representative Keith-Agaran, Chair of the Judiciary Committee
and other Committee members

Please support HB 1407, which will allow adoptees 18 years old or older access to their own adoption records.


Among many reasons to support this bill:

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

Please support HB 1407.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Ha-ohu Friends Meeting, James Howell Roberts

Quaker55@po.org

House Judiciary Committee hearing March 2nd, 2:05 pm, room 325

HB 1407, re Adoption Records

To: Representative Keith-Agaran, Chair of the Judiciary Committee
and other Committee members

Please support HB 1407, which will allow adoptees 18 years old or older access to their own adoption records.

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Please support HB 1407.

Sincerely,



BYRON W. BENDER
6710 HAWAII KAI DR, APT 1504
HONOLULU, HI 96825

House Judiciary Committee hearing March 2nd, 2:05 pm, room 325

HB 1407, re Adoption Records

To: Representative Keith-Agaran, Chair of the Judiciary Committee
and other Committee members

Please support HB 1407, which will allow adoptees 18 years old or older access to their own adoption records.

Among many reasons to support this bill:

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

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Please support HB 1407.

Sincerely,

Myraume King
(Honolulu Friends Mtg.)

House Judiciary Committee hearing March 2nd, 2:05 pm, room 325

HB 1407, re Adoption Records

To: Representative Keith-Agaran, Chair of the Judiciary Committee
and other Committee members

Please support HB 1407, which will allow adoptees 18 years old or older access to their own adoption records.

Among many reasons to support this bill:

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Please support HB 1407.

Sincerely,

Anne C. Fong
580 Uluhaku St.
Kailua, HI 96734
pulfong@gmail.com
(Honolulu Friends Meeting)

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 6:31 PM
To: HMS Testimony
Cc: adoptioncirclehawaii@hotmail.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: Yes
Submitted by: Jacqueline Frost
Organization: Individual
Address:
Phone:
E-mail: adoptioncirclehawaii@hotmail.com Submitted on: 3/20/2011

Comments:

My name is Jacqueline Frost. And I oppose the proposed amendments by the House Judiciary (HD 1) which does not open adoption records to adult adoptees, but rather creates even more obstacles for future adoptees in getting their information. I was told that Adoption Circle of Hawaii will put forth their own amendments that I would support as they would return the bill back into an open records bill.

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 there had been open records, I would have been available to me, I may have had both birth parents and 5 siblings involved in my life!

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 5:55 PM
To: HMS Testimony
Cc: vitch36@embarqmail.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Dana M. Frye
Organization: Individual
Address:
Phone:
E-mail: vitch36@embarqmail.com
Submitted on: 3/20/2011

Comments:
03/20/11

To: Senate Human Services Committee

Ref: HB 1407 HD1 (Please amend this!)

Again, I find myself stunned at the House Judiciary Committee's decision against open adoption and the preposterous suggested amendments.

A child has no choice in being born, or not. Once here, we pray they are given love. Whether by ourselves and those we surround ourselves with, or by the ultimate gift of birth and adoption.

Again in truth the child doesn't have much say so in their upbringing or surroundings. Once adult there are choices before them...for those adopted, the driving need to know.

It isn't always about the parent, because many were blessed with adoring adopted parents. It's about knowledge, or the lack thereof.

Are the medical conditions that could be the culprit to their current medical situations? Maybe it's a medical condition that could affect their future pregnancies and children.

Maybe it's an addiction that they should be aware of, to help prevent their own possible addictive natures.

Those that chose to give up their children are adults now. They can make up their OWN minds as to whether they wish to be reconnected with their child. They can certainly say ...

"I wish you the best, but am not interested in relationship, but will mail you any current medical history you may need."

They are an adult, why should any state feel they should protect an adult?

But honestly, consider this;

Ask yourself honestly how your views on family MAY or may NOT have changed over your past ten years. Be honest.

Have you been more apt to reach out? Do more and plan more family events? Been there more for a family member in need?

We change as we get older. Appreciate our family much more. Understand that life is short and in the blink of an eye, it can be gone.

Why would you think, those that gave up a child would grow any differently than you?
Now ask yourself-honestly, this;

What was society's outlook on unmarried pregnant women?

Do you doubt in any way, that there was a good number if not forced, pushed into giving up their child. That the mother just blanked out that child? That a phone call from that child wouldn't be a joyful call?

Now, what do YOU think the statistics are in those that would be happy versus those that would be angry, versus those that would be shocked, but ultimately, okay with it?

80% Happy -10% Angry -10% originally wary?

Maybe

70% -10%-20%.

Shouldn't the numbers in the statistics I know you've been shown speak to you?

LISTEN to those voices before you. READ the pleas you're being given. LOOK at those standing before you.

Then make your decision.

Please just review, all of the documentation before making your choice.

Sincerely,

A foster parent, Adoptive daughter, friend of an Adoptee and Acquaintance of a medical professional who states medical backgrounds are a MUST!

Dana M Frye

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 5:47 PM
To: HMS Testimony
Cc: tercyk002@hawaii.rr.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: Yes
Submitted by: Karyn Tercy
Organization: Individual
Address:
Phone:
E-mail: tercyk002@hawaii.rr.com
Submitted on: 3/20/2011

Comments:

I am a birthmother and I believe adoptees should have access to their adoption records once they turn 18. I support open adoption records.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 10:41 PM
To: HMS Testimony
Cc: jkeliinoi@yahoo.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Jodi-Lynn Keliinoi
Organization: Individual
Address:
Phone:
E-mail: jkeliinoi@yahoo.com
Submitted on: 3/20/2011

Comments:

I am in SUPPORT of OPEN ADOPTION RECORDS. But I do not support HB 1407 HD1. I am an adoptee who has searched and successfully reunited with my birth parents for over 14 years. I searched for my birth parents for personal reasons, after the age of 18, and support a bill that allows for adoptees of 18 years or older to be able to access their adoption records. For myself, I am part Hawaiian though did not know this information. By state law, I am afforded certain rights and privileges based upon race that I would not have realized unless I had access to my adoption records. Individuals may be withheld rights and privileges, such as Hawaiian Homesteads eligibility, if records are not opened. I was listed as "illegitimate" on my original birth certificate and found out about my Hawaiian ancestry through contact with my birth mother via mail. It wasn't available from conducting a request to open my file for this information. I was able to conduct DNA testing to prove my lineage and THIS has made all the difference. Please consider the rights of the birth child, who now as an adult, has inalienable rights to life, liberty and happiness similar to those not affected by the secrecy of adoption.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 9:44 PM
To: HMS Testimony
Cc: niki@landgraf.net
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: Yes
Submitted by: Niki Landgraf
Organization: Individual
Address:
Phone:
E-mail: niki@landgraf.net
Submitted on: 3/20/2011

Comments:

I am a birth mother. In 1970, when my daughter was born and then relinquished for adoption, I did not desire secrecy. It was suggested to each girl that we select an alias when we first took up residency at Our Lady's Home for Infants. No one did; in fact, we exchanged home addresses with each other in order to be notified when our babies left the Home with their adoptive families.

I never stopped thinking or caring about my baby. When we met 20 years later, it was very important to me that she should be able to have at least basic information about her ethnic background, her medical history, and some knowledge of her birth families if she so desired. She was an adult; why couldn't she have the same sort of information that every one of us takes for granted? I believe that the only other group of people in the U.S. who were not allowed their information were slaves.

I am in support of open adoption records. However, I do NOT support HB 1407 HD1, as it is not an open records bill. I would only support a bill that includes the mandatory age of 18 to access records. I would also only support a bill which requires cessation of an intermediary system, so that all adoptees would go through the same procedure. Last, I would only support a bill which includes a contact preference option rather than a contact veto. This would give everyone a voice, but does not preclude adoptees from information which is necessary to their health, genealogy, family history and self-knowledge.

Thank you.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 8:35 PM
To: HMS Testimony
Cc: windwardboi@gmail.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Cody Castillo
Organization: Individual
Address:
Phone:
E-mail: windwardboi@gmail.com
Submitted on: 3/20/2011

Comments:

I think that people in Hawai'i should be able to see who their birth fsmily is. I think this because people should be able to connect with their family, adopted or not.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 7:44 AM
To: HMS Testimony
Cc: Kehau.Santiago@pyramidins.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Kehau Santiago
Organization: Individual
Address:
Phone:
E-mail: Kehau.Santiago@pyramidins.com
Submitted on: 3/21/2011

Comments:

I am in support of open adoption records but I do not support HB1407HD1. I do and need information I would only support a bill that includes a mandatory age of 18 to access records

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 10:11 AM
To: HMS Testimony
Cc: sagostinelli@hawaii.rr.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Sue Agostinelli
Organization: Individual
Address:
Phone:
E-mail: sagostinelli@hawaii.rr.com
Submitted on: 3/21/2011

Comments:

I am a birth-parent who FULLY SUPPORTS OPEN ADOPTION RECORDS. I believe that without exception adult adoptees should have access to their adoption records once they reach the age of 18. I DO NOT support HB1407 HD1 in its present draft, and I would ask the Senate to please consider the proposed draft submitted by the Adoption Circle of Hawaii.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 10:16 AM
To: HMS Testimony
Cc: tam_aloha@hotmail.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Tammy Andaya
Organization: Individual
Address:
Phone:
E-mail: tam_aloha@hotmail.com
Submitted on: 3/21/2011

Comments:

I am very much in SUPPORT of OPEN ADOPTION RECORDS. But I do not support HB 1407 HD1. It will make it WORSE for those seeking their information. We (those adopted) should have a right to have access to records that pertain to our individual self!! I would only support a bill that includes a mandatory age of 18 to access records, gets rid of the intermediary system so that there is no longer sub-groups of adoptees having to go through different procedures and a contact preference option rather than a contact veto to give a voice to all but does not preclude them from the information that is necessary to their health, genealogy, family history and self-knowledge.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 1:37 PM
To: HMS Testimony
Cc: kolekolea@gmail.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: Yes
Submitted by: Jennie Peterson
Organization: Individual
Address:
Phone:
E-mail: kolekolea@gmail.com
Submitted on: 3/21/2011

Comments:

I am a birth mother who supports open adoption records. I believe all adoptees over the age of 18 should have equal access to their records. I cannot support HB 1407 HD1 because it makes the current situation worse for adoptees in getting information. I do support the Adoption Circle of Hawaii's draft. I have worked with birthmothers for nearly 30 years, and everyone I have talked to believes this is a civil right for adoptees.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 1:45 PM
To: HMS Testimony
Cc: jennyfujinaka@gmail.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Jenny Fujinaka
Organization: Individual
Address:
Phone:
E-mail: jennyfujinaka@gmail.com
Submitted on: 3/21/2011

Comments:

I am in SUPPORT of OPEN ADOPTION RECORDS. But I do not support HB 1407 HD1. It will make it WORSE for those seeking their information. I would only support a bill that includes a mandatory age of 18 to access records, gets rid of the intermediary system so that there is no longer sub-groups of adoptees having to go through different procedures, and a contact preference option rather than a contact veto to give a voice to all but does not preclude them from the information that is necessary to their health, genealogy, family history and self-knowledge.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 1:53 PM
To: HMS Testimony
Cc: dkk@hawaiiantel.net
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: Yes
Submitted by: Deborah Kimball
Organization: Individual
Address:
Phone:
E-mail: dkk@hawaiiantel.net
Submitted on: 3/21/2011

Comments:

I am Deborah Kimball, adoptee, with an M.A. in Public Policy & Administration.

I have led Adoptee Support Groups because they were badly needed.

I strongly support adult adoptee access to their own adoption records.

I strongly oppose HB1407 HD1. And I suggest that you disregard testimonies from the persons who make money from state and agency secrets (from natural parents, adoptees and adoptive parents) and lies ("amended" birth certificates). Respect only the testimonies of persons whose lives are directly affected by the secrets and lies.

Many birth parents are haunted by questions about what became of their babies: Were promises made them honored? Did the child get good parents and a decent future? Has the child been affected by particular genetic traits? Is the child well, and even alive?

Adoptive parents who suspend their fears in favor of their adoptees' welfare see that secrets and lies regarding origins prevent adoptee well-being .

Balancing rights? For adoptees of the 1948-1991 era, the rights over adoptees' lives are held by natural parents, the state, foster parents, social agencies, attorneys, adoptive parents, and more. Rights of adoptees? Zero. After 18 years of secrets and lies and being acted upon, finally adoptees have some autonomy! But right to the truth of our origins? No!--the state charges US to seek others' approval! That's still 0% of the right of every other U.S. citizen to know one's health history, ethnicity, self. Proposing one single right to adult adoptees, given our losses. is a tiny "balancing of rights."

How can Hawai'i, the land of hana'i tradition, correct systematic state secrets and lies? The Adoption Circle of Hawai'i has submitted a revised draft of HB1407 that addresses concerns of opponents yet allows one, single right to adoptees. The adoption triad is far healthier with truths than with secrets and lies. Justice, truth and respect demand access of adult adoptees to their truths.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 2:38 PM
To: HMS Testimony
Cc: myrak@hawaii.rr.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Myra Kent
Organization: Individual
Address:
Phone:
E-mail: myrak@hawaii.rr.com
Submitted on: 3/21/2011

Comments:

I support adopted adults over 18 having access to their birth records.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 3:44 PM
To: HMS Testimony
Cc: leiahi@me.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: Yes
Submitted by: Linda Wong
Organization: Individual
Address:
Phone:
E-mail: leiahi@me.com
Submitted on: 3/21/2011

Comments:

I am in SUPPORT of OPEN ADOPTION RECORDS. But I do not support HB 1407 HD1. It will make it WORSE for those seeking their information. I would only support a bill that includes a mandatory age of 18 to access records, gets rid of the intermediary system so that there is no longer sub-groups of adoptees having to go through different procedures and a contact preference option rather than a contact veto to give a voice to all but does not preclude them from the information that is necessary to their health, genealogy, family history and self-knowledge.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 21, 2011 2:57 PM
To: HMS Testimony
Cc: tidemeadows@gmail.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: martha and neil hulbert
Organization: Individual
Address:
Phone:
E-mail: tidemeadows@gmail.com
Submitted on: 3/21/2011

Comments:
Subject: HB1407, RELATING TO ADOPTION RECORDS

Senate Human Services Committee
Senator Suzanne Chun Oakland, Chair

Thank you for the opportunity to ask you NOT to support HB 1407 HD1. A vote for HD1 would position the State of Hawaii in opposition to the national trend of adoptee access to their birth identity, medical history and dignity of their own truth.

 We would ask the committee, in a free and open society, how can any citizen's right to know their authentic ancestry, family medical history and ethnic origins be reasonably denied?

It cannot, unless we pretend we are still living in the early part of the last century.

Fortunately we are no longer tethered to the remnants of the Victorian Era out of which adoption secrecy grew. Society decries government secrecy and constantly demands an open and honest government. It is not government's business to deny any citizen his or her birth identity.

Secrecy was originally intended to protect adoptees, birth parents and adoptive parents from societal stigma. It is now understood that such secrecy has reinforced a loss of identity unknown to those of us not adopted.

To be denied one's truth is a crushing denial of human dignity and human right; a right too often victim of worn out prejudice and misguided interests.

Sincerely, Martha and Neil Hulbert

Martha Hulbert is a psychotherapist and the founder of Triad Resources for Adoption Counseling and Education, and an advocate of truth in adoption for more than two decades. Neil Hulbert is a partner at Alston Hunt Floyd & Ing and has been involved in adoption reform for more than two decades.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 2:41 AM
To: HMS Testimony
Cc: pinchimoreno@gmail.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Isaiah Moreno
Organization: Individual
Address:
Phone:
E-mail: pinchimoreno@gmail.com
Submitted on: 3/20/2011

Comments:

After talking with many advocates and mental health professionals, I believe that those who are Adult adoptees should be allowed to have some access to their adoption records. The records should belong to the adult adoptee once they turn 18 years old. I support the bill that would help those who feel they should have access to open adoption records

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 7:32 AM
To: HMS Testimony
Cc: sammcebt@yahoo.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Sam McLeod
Organization: Individual
Address:
Phone:
E-mail: sammcebt@yahoo.com
Submitted on: 3/20/2011

Comments:

I am in SUPPORT of OPEN ADOPTION RECORDS. But I do not support HB 1407 HD1. It is NOT an open records bill. It will make it WORSE for those seeking their information. I would only support a bill that includes a mandatory age of 18 to access records, gets rid of the intermediary system so that there is no longer sub-groups of adoptees having to go through different procedures and a contact preference option rather than a contact veto to give a voice to all but does not preclude them from the information that is necessary to their health, genealogy, family history and self-knowledge.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 9:16 AM
To: HMS Testimony
Cc: kate@katedouglas.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Kate Douglas
Organization: Individual
Address:
Phone:
E-mail: kate@katedouglas.com
Submitted on: 3/20/2011

Comments:

I SUPPORT OPEN ADOPTION RECORDS, but not as written in HB 1407 HD1. It will make it WORSE for those seeking their information. I would only support a bill that includes a mandatory age of 18 to access records, gets rid of the intermediary system so that there are no longer sub-groups of adoptees having to go through different procedures, and a contact preference option (instead of a contact veto) which would give a voice to all but not preclude them from the information that is necessary to their health, genealogy, family history and self-knowledge.

These are basic rights for every human being, no matter the circumstances of their birth. Adoptees have no choice in their birth or the families who raise them, but they deserve the right to know what makes them who they are.

ChunOakland2 - Tyrell

From: Drorbaugh M [mjdror@hawaii.rr.com]
Sent: Friday, March 18, 2011 4:48 PM
To: HMS Testimony
Subject: Testimony in Support of HB1407, HB1

James E. Drorbaugh, MD Pediatrician, retired
Measure: HB1407, HB1, Relating to Adoption
Committee on Human Services
Sen. Chun Oakland, Chair
Sen. Les Ihara, Vice Chair

Date: Tuesday, March 23, 2011
Time: 1:45 pm
Place: Room 016

Testimony in support of HB1407, HB1

Good Afternoon Senator Chun Oakland and Senator Ihara

My wife and I adopted four children in the 1950's after we found that we weren't going to have children of our own. At that time the biological parents were not allowed on the birth certificate and the court records were sealed. Our oldest child did try to find her birth mother but was not able to do so. We gave her what information we had but it was not enough. The other three have not tried and I think they may have been discouraged by their sister's experience.

Lots has been learned since the 1950's about the benefit to the adopted child and the birth parents of finding each other. We don't hear stories of harm being done. We support HB1407, HB1, believing it will benefit children of this generation who are adopted.

Thank you for the chance to submit this testimony in support of HB1407, HB1.

James E. Drorbaugh, MD

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 19, 2011 9:13 PM
To: HMS Testimony
Cc: zebra126@gmail.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Annmarie Pascuzzi
Organization: Individual
Address:
Phone:
E-mail: zebra126@gmail.com
Submitted on: 3/19/2011

Comments:

I am in SUPPORT of OPEN ADOPTION RECORDS. But I do NOT support HB 1407 HD1. It is NOT an open records bill. It will make it MORE difficult for those seeking, indeed NEEDING, their birth information. I would only support a bill that includes a mandatory age of 18 for adoptees to access their records. The bill should also eliminate the intermediary system, so that there are no longer sub-groups of adoptees needing to go through different procedures. There should be a contact preference option, rather than a contact veto. This would give a voice to all, without precluding them from the information that is necessary to their health, genealogy, family history and self-knowledge.

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....

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 20, 2011 4:36 PM
To: HMS Testimony
Cc: simparagas@gmail.com
Subject: Testimony for HB1407 on 3/22/2011 1:45:00 PM

Testimony for HMS 3/22/2011 1:45:00 PM HB1407

Conference room: 016
Testifier position: comments only
Testifier will be present: No
Submitted by: Simplicio Paragas
Organization: Individual
Address:
Phone:
E-mail: simparagas@gmail.com
Submitted on: 3/20/2011

Comments:

I support open adoption records and believe that adult adoptees should have the right to access their adoption records once they turn 18 years old.

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Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Simplicio Paragas
Organization: Individual
Address:
Phone :
E-mail: simparagas@gmail.com
Submitted on: 3/20/2011

Comments:

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