

Adoption Circle of Hawai'i
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To: Senator Gil Keith-Agaran, Chair
Senator Maile Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee

From: Tom Moore, President of Adoption Circle of Hawai'i

Re: Support of HB 2082 HD1, Relating to Adoption Records

The Adoption Circle of Hawai'i (ACH) supports HB 2082 HD1. Adoption Circle of Hawai'i is an organization that provides information, advocacy and support to members of the triad (adopted persons, birth parents and adoptive parents) and educates the community about the adoption experience. We respectfully request your "yes" vote without amendments for the following reasons:

1. Current Hawai'i law treats similarly-situated people (adult adoptees) differently with respect to access to their adoption records. Those whose adoptions were finalized on or after January 1, 1991 generally have direct access upon request and proof of identification. However, those adopted before that date are required by law to use the services of a court-appointed searcher if Family Court's letters to the birth parents at the addresses found in the records are returned as undeliverable. This intermediary search option is costly, burdensome, and daunting. A UH Law Review article about this process, said that of the 500 cases referred to the searchers by July 1992, only about 35% continued with a search. It also takes longer for both Family Court staff and for the applicant to get through. **HB 2082 HD1 rectifies this problem of unequal treatment under the law.**

2. This bill balances the interests of parties to the adoption. Some opponents have historically cited alleged promises of confidentiality made to birth parents when relinquishing their children for adoption. However, court rulings in Tennessee and Oregon following the passage of similar laws confirmed that birth parents do not have a constitutional right to privacy in the adoption context. Those courts also held that the new laws did not impair any contractual rights of birth parents. Any absolute promises that may have been made in the past were done so in excess of state and constitutional law. Moreover, in an examination of surrender documents signed by birth mothers, legal scholar Elizabeth Samuels found no promises of confidentiality to birth mothers in them. In addition, Kansas and Alaska never sealed birth certificates from adult adoptees. To our knowledge, no states have reported any significant negative outcomes since records have been made available to adult adoptees. No legal challenges have come up in other states since the Tennessee and Oregon rulings over 15 years ago.

3. Adopted adults will be better able to access vital information about themselves, including their heritage, family medical history, and sense of identity (who they are and where they come from) from the persons with whom they share blood. Having this information would relieve the burden upon the adopted person who doesn't have essential information to share with their doctors or any future generation. Antiquated, overreaching confidentiality laws rooted in shame and secrecy though generally well-intentioned, have proven to be short-sighted, failing to consider the well-being of *adult* adoptees.

4. Once adoptees are adults, thus have legal standing, and no children are involved that need protection, the state should not shelter adults from the consequences of their decisions or actions, or block them from the joy and healing that could possibly result if the parties have contact, or even from just having this fundamental birth information. This bill treats adult adopted individuals as the adults they are, rather than as children who need their birth parent's approval (*whose parental rights were severed*) before they can receive the most fundamental information about themselves. This bill reforms the process to **create equal treatment of adult adopted persons so they can access their birth information just like every other citizen.**

5. The following **organizations have endorsed access** to original birth records for adult adoptees for the well being of those involved: The American Academy of Pediatrics, Child Welfare League of America, The American Adoption Congress, Concerned United Birthparents, Evan B. Donaldson Adoption Institute, Holt International, and North American Council on Adoptable Children.

In summary, **we support HB 2082 HD1 because it treats all parties to the adoption as the adults they are**, and provides adopted persons the critical information about themselves that they and their successive generations need.

A recent news item in another state about a reunion of an 82-year-old adoptee with her 96-year-old birthmother after a 50-year search makes one wonder,

What purpose was achieved from keeping these two people and their families apart for all these years when they wanted to be together? and How do you even begin to assess the damage of lost time in their lives? What is the state's role in keeping secrets between adults and maintaining separation between families once all parties are adults?

The link to the story and a powerful short newscast video is

<http://www.pressherald.com/2016/02/05/woman-82-tracks-down-and-meets-96-year-old-birth-mother/>

See next page for a picture.

Mahalo for your consideration of our testimony. We also thank you for your support of the Senate bill 2153 SD1, which is almost identical to this bill. We urge you to pass HB 2082 HD1 unamended.

Sincerely,

Tom Moore
President, Adoption Circle of Hawai'i





P. O. Box 9959 | Spokane, WA 99209 | Phone 614-641-0294

www.bastards.org

To the Hon. Members of the Hawaii Senate Committee on Judiciary and Labor

Bastard Nation: the Adoptee Rights Organization

Testimony in Support of HB 2082 HD1

Hearing: March 23, 2016

Submitted by Marley E. Greiner, Executive Chair

Bastard Nation: the Adoptee Rights Organization is the largest adoptee civil rights organization in the United States. We support only full unrestricted access for all adopted persons, to their original birth certificates (OBC). We do not support any restrictions such as the Affidavit of Non-Disclosure/Disclosure Vetoes (DV), Contact Vetoes (CV), white-outs, or any other form of redaction or restricted access to a true copy of the original birth certificate.

We are happy to support passage of HB 2082 HD1, an inclusive bill, that when passed will restore records access to all Hawaii-born adoptees upon request without restriction or condition. We urge you to support this bill and pass it out of the Judiciary Committee. We also thank you for your passage of the very similar SH 2153 a few weeks ago.

Our testimony is divided in three parts (1) general comments regarding sealed records and OBCs, and privacy v anonymity, (2) the consequences of continued sealing of records and (3) a short conclusion.

Privacy/Confidentiality v anonymity in Records Access

Unrestricted records access is not a “privacy” or “birthparent confidentiality” issue. There is no evidence in any state that records were sealed to “protect” the reputation or “privacy” of biological parents who relinquished children for adoption. On the contrary, records were sealed to protect the reputations of “bastard children” and to protect adoptive families from birthparent interference. In fact, Hawaii is unique in that even today, adoptive parents can at the time the petition for adoption is filed request that the court file remain unsealed upon finalization. Family Courts can and do grant that request without notice to or input from the birthparent(s).

“Privacy” and “anonymity” are not synonymous either legally or linguistically. Moreover, courts have ruled that adoption anonymity does not exist. (Doe v Sundquist, et. al., 943 F. Supp. 886, 893-94 (M.D. Tenn. 1996).and Does v. State of Oregon, 164 Or. App. 543, 993 P.2d 833, 834 (1999)). Laws change constantly, and the state, lawyers, social workers, and others were never in a position to promise anonymity in adoption. In fact, in the over 40 years of the adoptee rights battle, not one document has been submitted anywhere that promises or guarantees sealed records and an anonymity “right” to birthparents.

Identifying information about surrendering parents often appears in court documents given to adoptive parents who can at any point give that information to the adopted person. The names of surrendering parents are published in legal ads. Courts can open “sealed records” for “good cause.” Critically, the OBC is sealed at the time of adoption finalization, not surrender. If a child is not adopted, the record is never sealed. If a child is adopted, but the adoption is overturned or disrupted, the OBC is unsealed.

We are well into the 21st century. The information superhighway grows wider and longer each day, and adoptees and their birth and adoptive families are riding it, utilizing the Internet, social media, inexpensive and accessible DNA testing services, and a large network of volunteer “search angels” to locate their government-hidden information and histories.

Thousands of successful adoption searches happen each year—hundreds in Hawaii alone—making adoption secrecy virtually impossible. The minuscule number of birthparents or so-called “professional experts” who believe that restricted OBC or records access or no access equals adoption anonymity are greatly mistaken. The fact is, nearly all successful searches are done without the OBC and other court documents. Legislation needs to catch up with technological reality.

Consequences of Continued Records Sealing

Critically, in this age of heightened security, the government requires all of us to prove our identities and citizenship— a legal paper trail of identity. As a result, adopted persons without an OBC are in danger of losing even more rights than just their OBC access. US-born adoptees report increased problems in obtaining driver’s licenses, passports, professional certifications, Social Security benefits, pensions and security clearances due to what government bureaucrats refer to as “irregularities” in their amended birth certificates issued by Hawaii and all other states, and are demanding the OBC plus other documents setting out the adoption as proof of citizenship and identity.

A major irregularity is a “late birth certificate” filed a year or more after the birth of a child. Late filing is caused by various factors: delayed adoption, multiple/disrupted adoption, older child and foster care placement, and bureaucratic slowness. Until recently, states required that children live with their adoptive parent(s) for about a year before the adoption was finalized; thus a new amended birth certificate was issued “late”

According to the US Department of State a “late birth certificate” may only be accepted for passport application if it lists the documentation used to create it and is signed by the attending physician or midwife, or, lists an affidavit signed by the parents, or shows early public records indicating the birth. Obviously, in the case of sealed records adoption, this requirement is impossible to meet. Reportedly, some states are now backdating the filing date of amended birth certificates to “keep up” with federal requirements; thus creating an even larger legal fiction regarding adoptees’ births than now exists.

Other “irregularities” include age discrepancies between parents and child, missing information, and irregular signatures (ex: typed rather than signed). This problem will grow with the increase in adoption of older children from foster care, adoptions by same sex couples, Real ID, and other government “security” requirements.

Conclusion

There is no state interest in keeping original birth certificates or other adoption records sealed from the adult adoptees to which they pertain. Nor does the state have a right or duty to mediate and oversee the personal relationships of adults. Those who claim a statutory right to parental anonymity through sealed records or through restricted access to them promote statutory privilege and state favoritism.

Hawaii's current complicated "search and consent" laws do not reflect current adoption best practice and culture, and as we've noted above, the reality of technology and social media which has been eagerly embraced by adoptees and their families in search of information that is rightfully theirs, denied them by the state.

This time, HB 2082 HD1, as presently amended, and its sponsors gets it right. HB 2082 HD1 creates not only equal access for all Hawaii-born adoptees but treats the state's adoptees as equal with the not-adopted, who unlike the adopted are not forced to undergo an onerous legal process simply to get their own birth certificates and adoption records. HB 2082 reflects the simple inclusive, unrestricted access process that eight states have on the books (Oregon, Alabama, Colorado, New Hampshire, Maine, and Rhode Island, Kansas and Alaska).

Support Hawaii in becoming a leader in adoptee rights and adoption reform. Please take the first step in returning unrestricted and unconditional records access to all Hawaii adoptees. Please vote DO PASS on HB 2082 HD1.

Bastard Nation Mission Statement

Bastard Nation is dedicated to the recognition of the full human and civil rights of adult adoptees. Toward that end, we advocate the opening to adoptees, upon request at age of majority, of those government documents which pertain to the adoptee's historical, genetic, and legal identity, including the unaltered original birth certificate and adoption decree. Bastard Nation asserts that it is the right of people everywhere to have their official original birth records unaltered and free from falsification, and that the adoptive status of any person should not prohibit him or her from choosing to exercise that right. We have reclaimed the badge of bastardy placed on us by those who would attempt to shame us; we see nothing shameful in having been born out of wedlock or in being adopted. Bastard Nation does not support mandated mutual consent registries or

intermediary systems in place of unconditional open records, nor any other system that is less than access on demand to the adult adoptee, without condition, and without qualification.



March 22, 2016

Re: Support for HB2082 HD1

To: Honorable Chair Gilbert Keith-Agaran and Vice-Chair Maile Shimabukuro, Senate Judiciary and Labor Committee

The National Center on Adoption and Permanency (NCAP) is a nonpartisan, not-for-profit educational organization dedicated to improving laws, policies and practices – based on the best available research and experience – so that they enable all children and their families to succeed. This correspondence, along with the accompanying written testimony, is intended to explain the state of professional knowledge on a key issue in our field: the availability (or lack thereof) of original birth certificates and related adoption documents to adopted persons once they reach the age of majority.

I will keep this letter brief, as I'm sure you already have received a great amount of information from all sides. On behalf of NCAP, I can provide any additional data you might need or want, would be delighted to address any questions you encounter, and am also submitting more-detailed, research-based testimony (separate document).

In short, research consistently shows that sealed adoption records are an anachronism born of society's desire to protect the reputations of adoptees and their adoptive families at a time when unwed mothers were severely stigmatized and the children born to them were denigrated as "bastards." Indeed, birth certificates were often stamped with the word "illegitimate." Over time, the cultural rationale has shifted to maintaining the anonymity of first/ birth mothers. However, nearly all available evidence indicates that these women – while sometimes wanting privacy in their families and not wanting their situations to become public – overwhelmingly desire some level of contact with or knowledge about the children they bore; that they favor adoptee access to their own records (or, at least, do not oppose it); and, contrary to popular perception, that they were not legally assured of anonymity. Moreover, it is clear that the vast majority of adult adoptees want the records for a variety of reasons, notably medical and genealogical.

Two additional, critical points: First, a growing number of states in recent years have enacted laws granting adult adoptees access to their original birth certificates (and related documents) – with none of the negative consequences that critics had predicted. And, perhaps most important, the unambiguous conclusion from a growing body of research is that greater knowledge about their biological and personal histories yields better outcomes for adoptees and their families. That is the principal reason, in both professional practices and new statutes throughout our country in the last decade, the singular trend has been toward increased disclosure. A few adoption practitioners, and organizations representing them, still advocate for closure – sometimes by confusing "anonymity" and "privacy" or by using discredited data on a supposed "link" with abortion – but these practitioners represent a small and shrinking minority in the field.

I hope these comments are useful as you plan for passage of HB2082 HD1 – which, based on both the evidence and long experience, NCAP strongly supports. Please feel free to contact me at apertman@ncap-us.org or 617-763-0134 if you have questions or need more information. Thank you for your attention and for your important work.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Pertman".

Adam Pertman, President
National Center on Adoption and Permanency
www.ncap-us.org



March 22, 2016

Written testimony regarding HB2082 HD1, respectfully submitted to Chair Gilbert Keith-Agaran and Vice-Chair Maile Shimabukuro of the Senate Judiciary and Labor Committee by Adam Pertman, President and CEO of the National Center on Adoption and Permanency:

Thank you for reviewing these comments on HB2082 HD1s, restoring the right of adopted persons to obtain copies of their original birth certificates (and additional documents) upon reaching the age of majority. The issue you are examining is far more important than most people perceive it to be, both in practical terms for the tens of millions of Americans it stigmatizes – I refer here to both first/birth parents and adopted people – and symbolically, because we keep secrets about things we are ashamed of or embarrassed about. So, when we seal adoption records, we implicitly send the clear signal that adoption is somehow a lesser way of forming a family, because it has something to hide from the very start.

Thank God, we are emerging from the period of our history in which people actually believed that was true, a period in which adoption was a shadowy secret, in which we denigrated nearly everyone touched by this wondrous institution, in which we even turned the words “you’re adopted” into an insult. My children are not an insult, and neither are anyone else’s, regardless of how they came into a family or why they left one. But some remnants of those dark days remain, and sealed adoption records are one such remnant.

It is also difficult to learn much about secrets. As a result, many myths, misconceptions and stereotypes have come to be widely accepted – even by some professionals in the adoption field. The National Center on Adoption and Permanency, which I am proud to head, has no formal ties with any interest group. It is an independent, nonpartisan, not-for-profit education organization that was created for one principal reason: to improve laws, policies and practices – based on the best available research and experience – so that they empower children and their families to succeed. Providing accurate information to policymakers is one way that NCAP furthers its mission.

I’d like to start by offering an obvious observation, one I hope you will keep in mind as you listen to the arguments of those who want to retain the status quo. It is simply this: The critics of restoring the right to access original birth certificates (and related adoption documents) warn that approving this change in law will set off an array of dire consequences – from ruined lives, to increased abortions, to fewer adoptions, and on and on. Whether the critics are right is no longer the subject of conjecture or speculation. Over a dozen states around the country have done what you are considering doing, and two states, Kansas and Alaska, never sealed their adoption-related records.

So now, we can see with our own eyes what calamities might have transpired as a result. And the answer, very simply, is “none.” The newspapers in those very diverse states – from Alabama to New Hampshire to Tennessee to Oregon – contain no horror stories about stalker adoptees or weeping women. Furthermore, the statistics in those states show no inkling of rising rates of abortion or falling rates of adoption.

All of this information, and far more, is contained in two comprehensive, research-based reports issued by the Donaldson Adoption Institute, of which I am Executive Director Emeritus. They are entitled "For the Records I" and "For the Records II" and are available for reading/download at these online addresses: <http://tinyurl.com/RecordsI> and <http://tinyurl.com/RecordsII>. I can also provide printed copies upon request.

Viscerally appealing arguments can be made by anyone, on any subject. Compelling anecdotes and singular experiences can be produced by any side, in any argument. So, in order to form the best possible laws, policies and practices, it is vital that we examine real evidence, solid research, and broad-based knowledge. Here, in bullet form, are a few things we do indeed know. I will steer away from any disputed findings, and will stick to only those confirmed by hard data, accepted studies, or pervasive experience.

- First, as you may already know, it is a historical fact that adoption-related records – in Hawaii, as in every state except Alaska and Kansas – were sealed explicitly to protect adopted children from the stigma and shame of illegitimacy, and to prevent first/birth mothers from trying to see their children again; in addition, some social workers also personally wanted to protect biological mothers from the stigma and shame of unwed motherhood. The clear legislative and professional intent was to prevent access to those records by the public, not by the parties to an adoption themselves. Historically, the notion that original birth certificates (and related documents) were sealed to ensure the anonymity/privacy of first/birth mothers is untrue, irrespective of whether providing anonymity/privacy is a good idea or not.

- Second, it's important to stress that adopted persons are not stalkers, ingrates or children in search of new mommies or daddies. They are simply adults who want the same information the rest of us receive as a birthright. In his book "Roots," Alex Haley wrote: "In all of us there is a hunger, marrow deep, to know our heritage, to know who we are and where we have come from. Without this enriching knowledge, there is a hollow yearning; no matter what our attainments in life, there is the most disquieting loneliness." Research, experience and instinct all affirm Haley's eloquent observation. And adopted people are not exempt from the laws of nature. They love their parents – their adoptive parents – just as much and are just as loyal as if they had been born to them. But a large majority also want to know about their genetic, medical and cultural roots.

Adopted persons who obtain their original birth certificates in states where that is permissible may or may not form relationships with their biological kin; those decisions are up to the adults involved, and I believe it should not be the role of government to make the decision for them. Moreover, many if not most adult adoptees do not even make contact; for them, just having the most basic information about themselves is enough; it makes them feel they are treated equally, and it makes them feel whole. The fact is that access to their documents has become an issue that is separable from the question of "search" anyway. That is because, as a result of the Internet and other modern-day resources, many if not most adoptees who want to find their birth relatives can do so with or without their original birth certificates.

- Third, the notion that a lack of anonymity leads women to have abortions rather than place their children for adoption is fiction. It may sound correct intuitively but, in fact, just the opposite occurs in practice; moreover, it appears that women are at least as likely to carry their babies to term and place them into adoptive homes if they believe they will have ongoing knowledge about what happened to those children. The evidence is in the growing number of states where adoption records have most recently been unsealed, and it extends much further and for much longer: In Kansas and Alaska, the only states in which records were never closed, there consistently have been fewer abortions and more adoptions than in states that border them or in the country as a whole.

- Fourth, on the critically important question of the first/birth mothers' desires, the research is unambiguous: Every study I am aware of relating to whether they want anonymity/privacy clearly shows the vast majority do not – and that applies to those who were verbally assured of anonymity as well as those who were verbally assured they would one day have contact with the children they bore; yes, many were promised exactly the opposite of anonymity, but those promises are seldom publicly discussed.

Depending on the study, between 90 percent and 95 percent of birth mothers do indeed want some level of information or contact with the lives they created. That doesn't mean they want to give up their privacy, but there's a huge difference between privacy and secrecy. And it doesn't mean they necessarily want the information or contact right away – some only want it years later, when they've had enough time to deal with the personal and emotional consequences of their action or, increasingly often, when they discover they have genetic or medical information they want to share. It is also highly significant that only a tiny proportion (less than 1%) have taken advantage of the opportunity to say "no" to the release of birth certificates and other records in all of the states that have unsealed them in recent years.

During my tenure leading the Donaldson Adoption Institute, I was proud to have instigated the most comprehensive study to date on birthparents; I would be happy to provide a copy upon request, or you may view it at: http://adoptioninstitute.org/research/2006_11_birthparent_wellbeing.php. Even among those who truly thought they wanted anonymity at the time of placement, the majority eventually change their minds. Life is not a snapshot, after all, and few of us would want to live forever with the decisions we made at the age of 17, or even 25. Yet the core argument against allowing access to birth certificates is predicated on the mistaken belief that birthmothers are of one mind – and that it will never change. This is not only a fundamental misunderstanding of research and experience, on a human level it assumes a woman can carry a child and then part with it and just "move on," as though she has given away an old record player. That view – essentially relegating women to the role of baby-making machines – pervaded adoption for generations. Thank God, it is changing radically and adoption practices are being reshaped in comprehensive, historic ways as a result. The bottom line is that birth certificates (and related adoption documents) remain sealed in most of the U.S. because of lingering myths and mistaken stereotypes.

- Finally, denying access to adoption records contradicts the stated desires of almost everyone directly affected, and it flies in the face of majority opinion throughout our country. That applies to first/birth mothers, who seldom choose not to be contacted in states where they can state a preference; it applies to adopted people who – once they are adults – appear to overwhelmingly favor access to their records; it applies to a large and growing number of adoptive parents, a clear majority of whom have already told their children about their origins anyway; and, according to a national survey, it applies to the American public as a whole. The survey, which had a 3 percent margin of error, asked this question: "Should adopted children be granted full access to their adoption records when they become adults?" Eighty-four percent responded, "Yes."

I respectfully ask you to put aside the aberrational anecdotes, emotional appeals, and corrosive myths on which too much public policy relating to adoption has been based for far too long. Instead, please examine the research that has been conducted and the experience of states across the U.S. I believe, after you do, you will come to the same conclusion as that 84 percent.

Please feel free to contact me at 617-332-8944 or apertman@ncap-us.org if you have any questions or want more information. With gratitude for your attention and important work,



Adam Pertman, President and CEO
National Center on Adoption and Permanency
www.ncap-us.org

I am writing in strong support of House Bill 2082 HD1 and Senate Bill 2153 SD1.

I was adopted in Hawaii shortly after my birth in 1969. When I was in my 20s, I wanted to search for my birthparents and was faced with closed adoption records. I had to jump through lots of hoops just to get my original birth certificate – I had to petition Family Court, pay \$300, and hire a court-appointed searcher.

I am very unhappy with the process as it stands as I was forced to hire the court-appointed searcher, who, after collecting my money, never bothered to answer any of my phone calls. I wanted to know where she had already searched, so that I was not duplicating efforts, and none of my telephone calls were answered. I was basically at the mercy of Family Court and this searcher to get my records. I had to waste a lot of time and money to obtain what should have been mine – my original birth certificate with my birthmother's name.

After complaining to Family Court about their court-appointed searcher, who collected my money but apparently did not do any searching, Michael Broderick – from Family Court - called me. He put me in touch with a new searcher, who was able to find my birthmother in less than a week. That tells me that the court-appointed searcher – who had months to find my birthmother – did nothing except collect my \$300. This new searcher was able to find my birthmother and I was able to make contact with her and establish a relationship with her and my two half-brothers.

I believe closed adoption records deny adoptees crucial knowledge about who they are. It is very frustrating to go through life not knowing your own ethnic identity or family medical history. We are treated like second class citizens, and I believe it is not right.

Thank you for taking the time to read this testimony.

Mahalo,
Allison Yap

I am writing in support of HB 2082 without amendment, not as an adoptee but as a friend of one of the "Chosen", 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 book, without the right and 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 Hawai'i'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 who meet someone and fall in love, only to find out too late that there 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...

Annmarie A. Pascuzzi

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for HB2082 on Mar 23, 2016 09:00AM*
Date: Monday, March 21, 2016 4:56:08 PM

HB2082

Submitted on: 3/21/2016

Testimony for JDL on Mar 23, 2016 09:00AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Dara Carlin, M.A. | Individual | Support | No |

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: _____
Subject: Submitted testimony for HB2082 on Mar 23, 2016 09:00AM
Date: Saturday, March 19, 2016 5:37:29 AM

HB2082

Submitted on: 3/19/2016

Testimony for JDL on Mar 23, 2016 09:00AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Darrow Hand | Individual | Support | No |

Comments: Dear Chair Keith-Agaran, Vice Chair Shimabukuro and Committee Members: I support HB 2082, HD 1. Adult adoptees should have the right to access their own records. When my mother was 66 she got a call from a younger sister that no-one in the extended family knew existed. My mother was a bit startled by the news initially, while I was excited. My mom met her unknown sister, and was brought to tears, saying she was so happy to see her mother's eyes again - after nearly 50 years. My aunt's eyes were like my grandmother's who died young. I now have a close relationship with my new aunt, who happens to have a lot of common interests. While I'm delighted that I now have a new aunt, its quite possible I may not have ever met her due to the laws of the State. I think adults should have unrestricted access to their birth records. It will facilitate bringing families together again. Please pass HB 2082, HD1 as is. Thank you for the opportunity to testify.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB2082 on Mar 23, 2016 09:00AM
Date: Tuesday, March 22, 2016 12:42:04 AM

HB2082

Submitted on: 3/22/2016

Testimony for JDL on Mar 23, 2016 09:00AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Deborah Kimball | Individual | Support | No |

Comments: Aloha no. I am Deborah Kimball, an adoptee. I am delighted to wholeheartedly support HB2082 HD1 unamended..... In the current law our state disrespects a large portion of adult adoptees, and this bill brings justice to us. We are adults and thus--like all other adults--should have free access to our actual certificate of birth, medical history, and ethnicity..... "Protection" of the parties to adoption is not needed once adoptees become adults. We adults should be like others, not objects of state secrets that place powerlessness and wasteful, unjustifiable and unnecessary burden on us personally and as members of a wholly innocent class. Additionally, the concept of "protection" is outdated, as any stigmas previously attached to adoptions are virtually gone..... Justice is overdue. Please pass HB2082 HD1 without amendments..... Mahalo nui loa.

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To Gilbert S.C. Keith-Agaran, Chair,
Maile S.L. Shimabukuro, Vice Chairwoman
and Members of the Senate Committee
on Judiciary and Labor,
March 22, 2016

Elizabeth Samuels, Professor of Law
University of Baltimore School of Law
1420 North Charles Street
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RE: HB 2082 HD1

Thank you for allowing me to submit this testimony. I am a professor at the University of Baltimore School of Law, where I teach courses in the areas of constitutional law and family law. Since the 1990s my research and writing have focused on adoption law, including the history and current status of the law governing adoption records. I attach a Washington Post op-ed summarizing some of this work, and I provide citations and links below to relevant articles, including my article on the terms of the surrender agreements that birth mothers signed during the last century. Based on what I have learned in the course of this work, I write in strong support of SB2153.

1. Has the law guaranteed lifelong anonymity for birth parents? As federal and state courts have found in cases challenging restored access, lifelong anonymity has not been guaranteed by federal or state constitutions or by the state laws sealing court and birth records. Confidentiality has not been promised in the agreements that birth mothers entered into when they surrendered their children for adoption. Adoption records have been accessible by court order without notice to birth parents. And the decision has typically been up to the adoptive parents, not the birth parents, to change the child's name (and often even whether to have an amended birth certificate issued). And in many adoptions, the adoptive parents have received copies of documents with identifying information about the birth mother.

When the first two states restored access for adult adoptees to formerly sealed records -- Tennessee and Oregon -- their laws were unsuccessfully challenged in the courts. The Oregon courts held that under state and federal constitutions, the law neither unconstitutionally impairs the obligation of contract nor invades a guaranteed privacy right. Oregon's adoption laws never "prevented all dissemination of information concerning the identities of birth mothers. At no time in Oregon's history have the adoption laws required the consent of, or even notice to, a birth mother on the opening of adoption records or sealed birth certificates." A birth mother does not have "a fundamental right to give birth to a child and then have someone else assume legal responsibility for that child Adoption necessarily involves a child that already has been born, and a birth is, and historically has been, essentially a public event."

Opponents of the Tennessee law argued unsuccessfully in federal court that the law violates constitutional rights of birth mothers to familial privacy, reproductive privacy, and the non-disclosure of private information. In subsequent state court litigation, the Tennessee Supreme Court upheld the statute, deciding under the state constitution that the law neither impaired birth mothers' vested rights nor violated their right to privacy. The court noted that early state law did not require sealing records, and that later law permitted disclosure upon "a judicial finding that disclosure was in the best interest of the adopted person and the public," with no requirement that birth parents be notified or have an opportunity to veto

contact. The court found that "[t]here simply has never been an absolute guarantee or even a reasonable expectation by the birth parent" that records would never be opened.¹

Later laws restoring access -- in Alabama, Colorado, Delaware, Illinois, Maine, New Jersey, New Hampshire, Ohio, Rhode Island, and Washington -- have not been challenged.

2. What choices were given and what promises were made to birth mothers by adoption agencies and other adoption facilitators? Opponents of adult adoptee access to original birth certificates have never produced a copy of a document that promises a birth mother even confidentiality on the part of the agency. This fact inspired me to investigate what the surrender agreements did provide. I collected documents from birth mothers who were given copies of the documents they signed; many birth mothers were not. I analyzed 77 documents signed by birth mothers from the late 1930s to 1990, the date the last state passed a law denying access to adult adoptees. From decade to decade and from state to state, the provisions of these documents are the same.

The birth mother surrenders all of her parental rights and is relieved of all of her parental obligations. She does not retain or acquire any rights. While an adoption of the child is an aim or the aim of the surrender, there is no promise that the child will be adopted. Many documents spell out the possible alternatives of foster care or institutionalization. The birth mother has no right to notice of any future proceeding and therefore will never know if the child is successfully adopted. If the child is not adopted, there will be no amended birth certificate.

None of the documents promise the birth mother confidentiality or lifelong anonymity, the latter of which an agency of course could not guarantee. Responsible adoption services providers have known at least since the 1970s that adoption experts were increasingly supporting adult adoptee access to information and that legislative efforts were underway to restore access in those states in which it had been foreclosed.

Forty percent of the documents do, however, contain promises about future access to information or future contact. *It is the birth mother who promises that she will not seek information about the child or interfere with the adoptive family.*

3. Did birth mothers -- although they were not and could not be offered a choice of whether to remain forever unknown to their children -- desire confidentiality or anonymity? As a commission appointed by the governor of my state found in 1980, the birthmother "had no choice about future contact with her relinquished child;" "[s]ecrecy was not offered her, it was *required* . . . as a condition of the adoption." The evidence is that birth mothers who sought confidentiality were seeking to conceal their pregnancies from their parents, or from other members of their communities, rather than to conceal their identities forever from their children or to foreclose for themselves any chance of learning how their children fared in life.

¹ Language in this and the previous paragraph is taken from pages 432-434 of my 2001 article, which is cited at the end of this testimony.

This historical account is consistent with today's realities. Openness is now the norm in domestic infant adoptions, and the common understanding is that birth parents are more open to placing their children for adoption *if* there will be a degree of openness in the adoption arrangement. With respect to birth parents' current attitudes about adult adoptees' access to original birth certificates, studies and surveys conducted since the 1980s show that overwhelmingly large majorities of birth parents, up to 95 percent and above, either do not oppose, or approve of, or actively support access and are open to contact with their children. Many birth parents as well as adult adoptees spend years, and considerable sums of money, searching for information about one another. While many are successful in their searches, as countless stories in the media attest, many adult adoptees who search for information about their original identities remain unsuccessful and frustrated because they lack access to their original birth certificates.

4. Why were records closed? When adoption records around the United States were closed to inspection by the parties to the adoption as well as the public, they were closed to protect adoptive families' privacy and to protect adoptive families from possible interference or harassment by birth parents, not to protect birth parents' privacy.

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

Despite the experts' recommendations, many states did begin to close original birth certificates to adult adoptees as well as others. By 1960, 26 states had done so, although in a few of those states, court records remained available for some time after that date to either adoptive parents or to adult adoptees. In the states in which access to both court and birth records had become available only by court order, the reason given for closing records to the parties was the need to protect adoptive families from birth parents, not to protect the privacy of birth parents.

Of the states that in 1960 still recognized adult adoptees' right to original birth certificates on demand, four states closed the original birth records in the 1960s, six states closed them in the 1970s, and seven more did so only after 1979. In Alaska and Kansas, the records have never been closed and have always been available on demand.

5. Has restoring adult adoptee access to records proved beneficial? States' legal systems in which adult adoptees have access to their original birth certificates have operated successfully, including those systems in which records have always been open and those systems in which formerly closed records have been opened to adult adoptees. In all of those states, adult adoptees are not arbitrarily separated into two groups -- adoptees who are able to find information about their origins without access to their birth certificates and adoptees who are not able to find information without that access. Birth parents in those states have been afforded a means they formerly lacked to alert adult adoptees about their wishes; adult adoptees have obtained fundamental information about themselves; and in cases in which

adoptees and birth parents have wished to meet and become acquainted, access has led to countless numbers of fulfilling reunions.

As a Hawaii Family Court Searcher explained in 1992, when she contacted birth parents, "the most typical reaction ... is great joy, crying, and "This is the call I've been waiting for."²

Elizabeth J. Samuels
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Related references:

Surrender and Subordination: Birth Mothers and Adoption Law Reform, 20 Michigan Journal of Law and Gender 33 (2013). (Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2233400.)

The Strange History of Adult Adoptee Access to Original Birth Records, 5 Adoption Quarterly 63 (2001). (Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1281475.)

The Idea of Adoption: An Inquiry into the History of Adult Adoptee Access to Birth Records, 53 Rutgers L. Rev. 367-437 (2001). (Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=275730.)

How Adoption in America Grew Secret, Op-Ed, Wash. Post, Oct. 21, 2001, at B5. (Attached.)

² Bobbi W.Y. Lum, Privacy v. Secrecy: The Open Adoption Records Movement and Its Impact on Hawai'i, 15 U. Haw. L. Rev. 483, 519 (1993).

The Washington Post, October 21, 2001, Sunday

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

Elizabeth J. Samuels

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

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

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

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

Legal adoption in America only came into being starting in the second half of the 19th century, and at first all adoption records were open to the public. When they began to be closed, it was only to the general public, and the intent was to protect adoptees from public scrutiny of the circumstances of their birth. Later, as states began to close records to the parties themselves, they did so not to provide lifelong anonymity for birth mothers, but the other way around -- to protect adoptive families from possible interference or harassment by birth parents.

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

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

Why were states closing their records even before 1960, when the reasons being advanced were all about protecting adoptive families, and not birth parents? The historical record suggests that birth mothers were in fact seeking a measure of confidentiality. What the mothers wanted, however, was not

to prevent the adoptive parents and the children they had surrendered from discovering their identities, but to prevent their families and communities from learning of their situations. A powerful reason for the earliest closings of birth records to adult adoptees may simply have been that it was consistent with an emerging social idea about adoption: that it was a perfect and complete substitute for creating a family by childbirth, so the adopted child had no other family and would never be interested in learning about any other family.

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

Since the adoptees' rights movements began in the 1970s, it has encountered stiff opposition to its efforts to win legal access to birth records. Only in the past six years have adoptees won an unqualified right to view records in three states -- Tennessee, Oregon and Alabama [since the article was published Washington, Rhode Island, New Hampshire, New Jersey, Maine, Ohio, Illinois, Delaware, and Colorado have provided access either to all or almost all adoptees]. Around the country, legislatures are considering similar laws, but these are exceedingly limited gains for a movement nearly 30 years old.

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

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

[After publication, I learned that in 1960 even fewer than 26 states had made all court and birth records available only by court order. At least 2 of the states that had sealed birth certificates still provided access to court records.]

To Senate Judiciary and Labor Committee:
Re: HB 2082 HD 1
From Erin Iwalani Castillo LCSW DCSW
P.O. Box 4286
Kaneohe, Hi 96744
808.277.2967

March 21, 2016

Aloha kakou. I am very much in support of HB 2082 HD 1 with no amendments.

I am a Hawaiian adoptee that was relinquished and adopted here in Hawaii. I am also a licensed clinical social worker and a mother to two children.

My birth information is also my children's information. We all should have the ability to have access to our information.

Please pass this bill so others will not have to go through the heartache, expense, and pain in getting their information.

Thank you for your consideration.

DATE: March 23, 2016, RM 016, 9:00am

TO : Senator Gil Keith-Agaran, Chair,
Senator Maile Shimabukuro, Vice Chair
Senate Judiciary Committee

FR : George & Maile Takane
Adoptive Parents

RE : H.B. 2082 HD 1
Relating to Adoption Records

We are in **complete support of HB2082 HD1** because it is very similar to Senate Bill 2153 SD1. We respectfully ask this committee to **pass it with no changes**. We believe that the current bill **addresses the denial of equal protection** since all other citizens have the right to see state records that pertain to them. It also **addresses the discrimination in treatment** of adult adoptees just on the basis of the year they were adopted. We like how it **balances the interests** of all parties to the adoption by treating them as equals and **redresses the myth** that one party had « rights » to privacy that was not given to them as the law clearly states that the records can be opened by court order at any time with no notice.

We also endorsed the removal of the affidavit of confidentiality because this also places a burden on all adoptees who are just seeking information critical about themselves such as medical family history. Such an affidavit would consign adopted adults to being unable to share information with their doctors as well as subject any future generations from information that could save their lives. We do not believe the state should be used to shield adults from their behaviors and consequences of their actions.

On a personal note, it wasn't until our daughter was full grown and we were attending a support group, the Adoption Circle of Hawai'i, 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.

As an adoptive parent, a lawyer who also conducted adoptions and one 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 would have been just as important for us to know and have contact with the birth family.

We believe that House Bill 2082 HD1 reflects the current trend towards openness and the agreement that the birth parents' rights should not be superseded by the adult adoptee's right to know critical information not only for themselves but future generations of their family, too. We have always been as open as we could be to our daughter given the information that was given to us at the time but it would be a relief for us all to have more information.

We thank the committee for taking the time and effort to read our testimony. Please support HB2082 HD1 as is!

Aloha,

George and Maile Takane

Testimony in support of HB 2082 RE: Adoption Records

To: Chair Keith-Agaran and Vice-Chairwoman Shimabukuro-Senate Judiciary and Labor Committee

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

The stated underlying premise upon which current law exists is to 'protect' first mothers from potential intrusion into their lives. This a priori assumption, again via decades of research, is blatantly false as over 95% of first mothers have been shown to either desire contact or begin searching themselves.

As adults, we make a plethora of personal decisions on a daily basis. The decision to contact, not contact, accept contact, or deny contact within the adoption triad are 'adult' decisions and best left to the individual and not the state. Current state law serves to treat all parties involved as perpetual children in need of 'paternalistic protection' rather than adults who, like every other citizen, has the legal right to their birth certificate.

Respectfully Submitted,
Gina Bailey, Ph.D.

March 20, 2016

MEMORANDUM

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

FROM: Harry Akamine

SUBJECT: **H.B. 2082 H. D. 1 RELATING TO ADOPTION RECORDS**

Hearing: Wednesday, March 23, 2016; 9:00 a.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of H.B. 2082 H. D. 1 is to allow access to adoption records by parties to the proceedings under certain circumstances.

POSITION: I am writing in support of this bill.

I believe that adult adoptees should be able to access their birth family's information without having to traverse a process designed to "protect" children. At the time they become adults, they are no longer in need of this "protection".

As an adoptive parent of two, I have experienced first hand what happens when a child given up for adoption struggles to deal with their feelings of abandonment, rejection and not knowing anything about their birth parents and family. These feelings will last a lifetime and will never disappear. Further, it is truly frustrating to not have any family medical history; the lack of this history severely hinders the medical provider's ability to provide proper medical care.

Therefore, I ask that this bill be passed unamended.

Thank you for the opportunity to comment on this bill.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB2082 on Mar 23, 2016 09:00AM
Date: Monday, March 21, 2016 10:06:00 AM

HB2082

Submitted on: 3/21/2016

Testimony for JDL on Mar 23, 2016 09:00AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Jacquelyn Wesolosky | Individual | Comments Only | No |

Comments: March 23, 2016 To: Senator Gil Keith-Agaran, Chair Senator Maile Shimabukura, Vice Chair Senate Judiciary and Labor Committee From: Jacquelyn Wesolosky, birthmother, Honolulu Hawaii Re: HB 2082 HD1 Dear Senator Keith-Agaran and Senator Shimabukura and members of the Senate Judiciary and Labor Committee. Thank you for the opportunity to submit testimony I support HB 2082 I am a birthmother. I am also a retired teacher of the State of Hawaii department of education. In 1966 i relinquished my son. I then returned to college and finished my education, BA, University of Iowa and later an MA from the university of Hawaii. I was recruited by the State of Hawaii to teach High School Science in the Honolulu district and later at the University of Hawaii until I retired in 2000. I have been a resident of this State since 1970. In July of 2008 I met my son for the first time since his birth. I give you the basics because we are real people and despite my efforts and the efforts of my son to reunite it was made difficult by the laws in place. We attache shame to denials for our rights. This is wrong...for him and for me. You have no idea of the sadness and turmoil in our lives because of closed adoption records. You have no idea of the great joy that is now in our lives and the lives of our family members....because we know each other again and questions are answered and healing is in progress. OR maybe you understand very well. I hope that this is the case. I thank you for listening to me and I hope that you will consider action that will bring needed change to antiquated adoption laws that are hurtful and not at all in the interest of the people.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB2082 on Mar 23, 2016 09:00AM
Date: Tuesday, March 22, 2016 2:05:54 AM

HB2082

Submitted on: 3/22/2016

Testimony for JDL on Mar 23, 2016 09:00AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| James Sugimoto | Individual | Support | No |

Comments: Comments: My wife and I sent Senator Gabbard an E-mail to ask him if he would sponsor an adoption bill a couple of years ago. He sent us a response right away and said he would be happy to. That was the beginning of this great adoption bill that sits before you today. I was born in Honolulu, Hawaii in 1951 and never got to meet my mother because I couldn't have access to my adoption file. She died in 2007. I never got to hear her voice or see her smile or know what she looked like, or hear her voice. Did I look like her? Did she love me? Why couldn't I ask her those things? Because of a law in Hawaii that said as long as she was still alive, I couldn't have access to my birth record, or know she was. I belong to an adoption group that tried to help me with my search and came up empty handed. Why? Because for some unknown reason my birth name was changed to a name nobody would have found, and until this past year, having to pay an intermediary \$300.00 per parent to tell me that my mother had died. according to ancestry.com, he couldn't find out anything more about my father, but he was assumed dead. My wife and I have been searching since 1997, when we didn't have computers to search for anything. Back then, I had been told that my name was James Naka and we contacted nearly every Naka we could find searching for some answers. It was all a lie! My name turns out to be Baby boy Sugimoto and in June of this year, I will be coming to Honolulu to meet my newly found half brother, step-father who is now 89 and the rest of their family. I have a brother! I know it was a shock for him as well, but he also gave testimony for bill HB 2082 HD1 and that is monumental to me! Nobody should have to wonder where they came from and what their name is, who there parents are and they should be able to have contact with them before they die! That is why this bill HB2082 HD1 is so very important. It is the final step in assuring the adoptees that they don't have to pay the intermediary \$600.00 to tell them something they can look up on their own, and that they do matter. People don't have the money to pay to find out something that most of us have as our basic right and take for granted-a mother and a father. We walk around for years thinking that nobody wanted us or loved us and this takes a toll on ones self esteem, and being able to love someone else. It brings up all kinds of things in us, all because we never had love or felt wanted or just knew that we belonged to someone. When other kids were told to make family history charts, the only person we could put on that chart was us. There we were all alone with no way to know who else belonged on that chart. When the Drs asked me

what my medical history was because they had found out I had hemochromatosis, a genetic disease, I had to tell them I was adopted and had no idea where it may have come from. We should all be able to know who we are and who our parents were. We all should be able to provide the medical community the information that is needed to diagnose and treat conditions that are genetic. We need to be allowed to try to build the relationships that were torn apart by circumstances or shame or force and lies. Times are now different and things are looked upon differently. It is time to do the right thing for all adoptees in Hawaii. Please pass this bill and let this be the final action to allow adoptees the right at age 18 to know themselves and the families left behind. It is important for me and I know it is important to them! Thank you so much for everything you have done and we thank Senator Gabbard so very much, he will never know the gratitude we have for him. Please please Pass this bill!!!! Jeff Guillemette/AKA Baby Boy Sugimoto

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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DATE: March 23, 2016, RM 016, 9:00am

TO : Senator Gil Keith-Agaran, Chair
Senator Maile Shimabukuro, Vice Chair
Senate Judiciary Committee

FR : Jan Takane
Adoptee

RE : HB 2082 HD 1
Relating to Adoption Records

I fully support HD 2082 HD to reform our current adoption bill. I urge the Committee to pass it with no changes made to it. I feel so fortunate as an adoptee to be blessed by both HB 2082 HD1 and Senate Bill 2153 SD1. I could not ask for better open records bills than these. I believe that while the law was intended to protect the adopted child. This is no longer the case once said child is an adult at 18 years old. **I believe that my rights to information critical about myself should not be kept from me by any government for any reason once I have become an adult as all other adults can view records that pertain to them.**

Beyond such issues is the pain and suffering of not knowing why I was given away. What compounded this was the lies that were given to my parents during the course of my adoption. Lies, even well meaning, were damaging as my parents then offered them to me as truths. Lies should not be condoned much less enabled by the legal system. By allowing the State to participate in protecting birth parents from their now adult children, they have engaged in protecting all those lies. Lies harm all and help none.

Besides, there was **never a promise of absolute much less perpetual confidentiality.** Records could always be opened by court order without any notification or consent to the birth parents on record.

So I urge this Judiciary Committee to recognize that part of the reason for asking for changes to the 1991 bill is not only from being able to access medical and genetics history but also to improve mental health and well-being simply by having access to our truths. **I should not be discriminated against by having my information withheld from me simply because I am adopted.** As thankful as I am for the sacrifices that my birthmother made at a time when there were no easy choices, I believe that we can decide as most adults do, what kind of relationship we want to have. I should not be denied my birth information based upon someone else's embarrassment and shame over something that happened a lifetime ago. We all make mistakes or endured some kind of trauma, it should not be the State's position to be one of perpetual protector.

I understand that there may be issues with regards to removing the affidavit of confidentiality which by the way, **only gives power to the adult whose parental rights**

were legally terminated. It's one thing to remain a secret to the general public, to remain confidential with their attorney but they should not be able to remain hidden from the children they gave birth to because they hold vital health and medical information that may be critical to the adoptee's well-being.

Thankfully society is moving forward as state after state is changing such laws with the understanding that they are antiquated and based on society mores that no longer apply. We, as a society, must modernize laws as information changes. Our genetic and medical history play more of a part that when previously thought of; adopted children are NOT blank slates to be molded by the adoptive family ; and openness and truth is the best policy. Truth can be dealt with but not having any information cannot. I would hope that Hawaii with its cultural practices of hanai and ohana and the appreciation of everyone's unique heritage, we can be counted as one of those states advocating for truth.

Thank you for your time and attention in hearing my testimony. Thank you also for your support of SB 2153 SD1. **Please support HB 2082 HD1 with no changes.**

Mahalo,

Jan Takane

DATE: MARCH 23, 2016, ROOM 016

TO: SENATOR GIL KEITH-AGARAN, CHAIR
SENATOR MAILE SHIMABUKURO, VICE CHAIR
SENATE JUDICIARY AND LABOR COMMITTEE

FR: JENNIE MARTINEZ PETERSON
Birthmother, SP Adoptee
Honolulu, Hawaii

RE: H.B. 2082 HD1
RELATING TO ADOPTION RECORDS

I support HB 2082 HD1 unamended. As currently written it is an enlightened piece of legislation that will remedy many of the inequities of the current restrictive Hawaii adoption records law, which is unfair to adoptees born before 1991, imposes burdensome requirements and unnecessary supervision of adults in conducting their family relationships.

As both a birthmother and a step-parent adoptee, I have spent nearly 40 years actively juggling the intense and imperative “need to know” with the restrictive system that sought to limit access to deeply personal information, information that would facilitate and empower emotional healing, health, family relationships and the recovery of family legacies and medical knowledge to be passed on to future generations. The great popularity of ancestry, roots, and genealogical searches in the media, and on-line illustrates the hunger we all have to know who we are and where we come from.

Previous well-intentioned but ill-informed efforts to “protect” members of the triad have created a separate class of people who, even as adults, are subject to having their crucial personal information undergo supervision by the courts. It’s time to follow the traditional example of *hanai* with it’s example of openness and inclusion. Hawaii can become a leader in truly honoring *ohana*.

Thank you for reading my testimony. Also, I am very thankful for your previous support and insight into the existing injustices in current adoption records law and your openness to the possibility and promise of moving forward toward truthfulness and dignity for the adoption triad.

Sincerely,
Jennie Peterson

DATE: March 23, 2016, 9:00 am, Rm 016, Chamber level

TO: Senator Gil Keith-Agaran Chair
Senator Maile Shimabukuro, Vice Chair
Senate Judiciary & Labor Committee

FR : Julianna FreeHand

RE : H.B. 2082 HD1 Relating to Adoption Records

I support H.B. 2082 HD1 unamended.

I always wanted to be a Twin.

Although I do not resemble my adoptee half-sister in any way physically, she is more like me than the siblings with whom I was raised. We have experienced parallel synchronicity in our lives.



(Our #1st meeting.) (We would both find ourselves in an African market)

We both worked in creative fields, requiring a sense of design.

She is a fashion designer and worked for Liz Claiborne and Calvin Klein. I have had b/w photographic museum exhibitions, produced fabric sculpture art installations and books. My most recent artwork is a half-hour video to inform Washington,DC that Papa Mau Piailug's introduction to the Polynesian Voyaging Society

(PVS) was through the Peace Corps. It's a part of Hukulea's story that has never been told! I taught English as a Second Language in the Peace Corps.

If my sister had been part of our family circle she would have been a middle child, not the eldest -- her role in her adoptive family.

I credit the synchronicity of our choices to both being the alpha/eldest and our DNA. It is strange to see someone else -- a total stranger -- who has made the same choices during her life as you have...

- Both went to Africa—I, to Sénégal at age 22 & she to Liberia at 19
- Both married people because we went to Africa
- Each of our marriages lasted 2 decades
- I almost remarried. I was interested in an Englishman but we proved too far distant.
- My sister did remarry. Uncanny! Her #2 husband is an Englishman.

The family unit is the basis of human society. In India, it's not the father who gives the bride away at her marriage but her brother because he shares her life expectancy. Why open birth records back to 1945 when birth parents may have passed on or have succumbed to dementia?

I cannot put it strongly enough. We siblings are entitled to be reunited.

Thank you for taking the time to read my testimony & for your previous support.

Julianna FreeHand

DATE: March 22, 2016, 9:00 am RM 016, Chamber level

TO: Chair Keith-Agaran
Vice Chairwoman Shimabukuro
Senate Judiciary and Labor Committee

FR : Karyn Tercy, member of Triad

RE : HB 2082 HD1
Relating to Adoption Records

I am a 69 year old adoptee and birthmother who supports open adoption records for adults. I was relinquished at birth and adopted by a wonderful couple.

I became pregnant at the age of 19 and also relinquished my child. I was single and knew that marrying the father of the child would be a mistake. As an adoptee myself, I knew what wonderful people adoptive parents are and I vowed not to interfere with his upbringing for at least the first 18 years of his life.

We reconnected almost 18 years ago and have become very close. His life with his adoptive parents was much better than I could have given him in 1967 as a single mother. His adoptive parents have encouraged our relationship as adults and have become friends of mine, too.

I am able to supply him with what medical information I have, which has been helpful in a couple of instances. Unfortunately, I have been blocked from any of my biological family's information so I have no idea what kind of medical issues I have inherited. This has been a source of frustration as I have gotten older, but all efforts to contact my biological family have been thwarted by the law of the State where I was born.

There is a connection between biological parents and their children, which most people take for granted. My son and I were finally able to experience this as adults.

I urge you to pass this bill, permitting adult adoptees to get information about their heredity.

Submitted 3/21/16

Date: 3-21-16 for Senate Committee on Judiciary and Labor Hearing 3-23-16

Re : HB 2082 HD1 Relating to Adoption Records

Aloha Chair Gil Keith-Agaran, Vice Chair Maile Shimabukuro and Members of the Senate Committee on Judiciary and Labor,

I fully support HB 2082 HD 1.

I have both personal and professional knowledge about adoption. I am an adoptee who also has a PhD in social welfare from University of Hawai'i and has studied child welfare issues, especially adoption and foster care.

There are numerous reasons to support modernizing the adoption law. . . reasons such as

- early historical intent of adoption laws,
- different societal norms and more open adoption practice than when these laws were passed
- the current position of credible organizations who support access to birth information for adult adoptees,
- our local Hawaiian cultural roots of 'ohana and hānai,
- Hawai'i law treats similarly-situated adopted adults differently
- adopted children grow into autonomous adults who no longer need special protection by the state
- court rulings in other states have supported laws providing adult adoptees access to their records.

In the mid-20th century, saving children from “unsavory” beginnings of “illegitimacy” was to create a new family by adoption and to legally wipe out their origins to spare them from a birth certificate marked ILLEGITIMATE. But today our society no longer stigmatizes children born to unmarried mothers. These births are quite common – nationally in 2013, 40.6% of births to women 15 – 44 were to unmarried women.¹ All involved in the adoption were supposed to not look back. However, adoption has a lifelong impact; it's not a single event. Genes, thoughts of genealogy and birth family connections can remain.

Hawaiian cultural traditions of 'ohana, and hānai feature openness and inclusion. For my dissertation, I interviewed adult Hawaiians about their experience of being hānai. They all knew their birth mothers and had contact with their siblings. The persons raised hānai remained connected to their family and their genealogy and did not have issues about identity. In contrast, adoptees in closed adoptions can be impacted by identity issues that can affect their well-being, and they often spend time and resources trying to find out basic information about themselves. Hawaiians and other traditional communities have known all along what modern open adoption practice knows today. While children may be raised and well-cared for in one family, they can still remain connected to their other family. Hawai'i's adoption law was influenced by mainland law at the time and not a reflection of local Hawaiian culture.

The intent of the original legislation in the U.S. to seal adoption records and the writings of the leading child welfare organization at the time -- the U.S. Government's Children's Bureau, clearly

show that the records were preserved so adult adopted persons could retrieve the information when they were adults.² Today, this same organization, the federal government's Children's Bureau has a guide to searching for birth relatives.³

Current Hawai'i law treats similarly-situated people (adult adoptees) with two different sets of procedures based on their year of adoption. Those who were adopted before 1991 often have to use a court-appointed searcher in order to get their records, which is a more costly and unsettling process, that those adopted post-1990 do not have to endure. A request for records that involves the intermediary procedure takes longer for both Family Court staff and for the applicant. I have uploaded a flow chart diagram that shows the unequal treatment of adoptees in the current law. **HB 2082 HD1 rectifies this problem of unequal treatment of adoptees under the law and streamlines the process.**

In a UH Law Review¹² article about the intermediary system after the 1990 reform of Hawai'i's adoption law stated that of the 500 cases referred to the court-appointed searchers in the first year and a half of the new law, only about 35% went ahead with the search. The fees were an obstacle and a deterrent.

Court rulings in Tennessee and Oregon following the passage of similar laws granting adult adoptee access to their birth information confirmed that birth parents do not have a constitutional right to privacy in the adoption context, nor did they impair any contractual rights of birth parents. Birth parents did not have a guarantee of anonymity from their own children.^{2, 8, 9, 10} Moreover, in an examination of surrender documents signed by birth mothers, legal scholar Elizabeth Samuels found no promises of confidentiality to birth mothers in them.¹⁰ When adoption records around the United States were closed to inspection by the parties to the adoption as well as the public, they were closed to protect adoptive families from possible interference by birth parents, not to protect birth parents' privacy.² No legal challenges have come up in other states that have increased access of information to adoptees since the Tennessee and Oregon rulings over 15 years ago.

A vast gap exists between fears expressed of what would happen by granting adoptees access to their records and the actual reality of no negative outcomes when records have been made available in other states and countries.⁸ Kansas and Alaska never sealed birth certificates from adult adoptees. England's records have been open to adults since 1976, New Zealand since 1985, and Oregon since 2000. We also have not heard of any problems after adults in Hawai'i got their records post-1990. Moreover, the article about the early years of Hawai'i's reformed law said that the most typical reaction of a birth parent to a call from a court-appointed searcher was of "great joy, crying, and "This is the call I've been waiting for."¹²

Many mainstream organizations endorse access to records for adult adoptees, such as the Child Welfare League of America,⁴ the American Academy of Pediatrics,⁵ and North American Council on Adoptable Children.⁶ People affected by these laws – adopted persons, birth parents, and adoptive parents, as well as social workers who helped create adoptions have written and spoken extensively on the need to reform adoption law and end the secrecy.^{7, 8} Much evidence exists to support adults access to their records.^{8, 9}

Once adoptees are adults, with legal standing, and no children are involved that need protection, what is the state's role in sheltering birth parents and blocking adoptees and birth

parents from the joy and healing that could possibly result from having this information? Unfortunately, the current Hawai'i law treats adult adopted persons as perpetual children who can view their records only if their birth parents do not deny them access to this information, even though their legal parental rights were terminated. The birth parent's wishes supersede the adopted adult's need for the information. Most birth parents do not want to keep this information from their own children.^{8, 9, 10} Relinquishing a child is unlikely to be a happy memory, especially in an unsupportive, judgmental societal environment of shame, guilt, and secrecy. However, many have found some healing and support from the openness of sharing and contact that has not led to terrible consequences that some feared. When my birth father eventually told his wife about me, I heard that she responded with, "Gee, why didn't you tell me before?" There were no explosions. Our fears can be much greater than the reality. Birth parents and adoptees are now adults and if they are alive and find each other, they can negotiate whether to or how they wish to associate, like all other adults in their relationships. The state was rightly involved to protect children during an adoption. However, when children grow up, what is the reason for the State to block this information from autonomous adults? All other adults can freely access their birth information. This bill reforms the process to **create equal treatment of adult adopted persons so they can access their birth information just like every other citizen.**

Times have changed. Birth outside marriage is not uncommon. A lot has happened since the law was last reformed in 1990. Various forms of open adoption and kinship care are more common practice. Most people now have access to email communications, the internet, and even DNA testing. It's time to modernize the law. The state should not play a role in keeping family secrets between adults.

I have also attached an image from a recent news story of an 82-year-old adoptee who after a 50 year search, found her 96-year-old birth mother.¹¹ Allow adult adoptees to gain the information that is necessary for their health and well-being, self-knowledge and their connections to family and ancestors. Adult adoptees should receive equal treatment under the law to access their own birth information.

These are a few of the reasons I support HB 2082 HD1. I ask that you pass it without revision. I thank you for the opportunity to testify.

Respectfully,

Kat McGlone, PhD



References on next page

References related to HB 2082 HD1

- ¹ CDC National Center for Health Statistics. Downloaded 2-11-16 from <http://www.cdc.gov/nchs/fastats/unmarried-childbearing.htm>
- ² 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. Downloaded 2-27-11 from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=275730
- 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. (2011). *Searching for Birth Relatives. Factsheet for Families*. Downloaded 1-31-2016 https://www.childwelfare.gov/pubPDFs/f_search.pdf Washington DC: Author.
- ⁴ Child Welfare League of America (2000). *Standards of Excellence for Adoption Services*. Washington, DC: Author.
- ⁵ American Academy of Pediatrics. (2014). National Adoption Center: Open Records. (Endorsement.) *Pediatrics* 133, 6. adopt.org/our-policies#Open and www.pediatrics.org/cgi/doi/10.1542/peds.2014-0901 Downloaded 2-1-16
- ⁶ North American Council on Adoptable Children. (2005). *Access to Records* position statement. Downloaded 2-21-11 from <http://www.nacac.org/policy/positions.html#Records>
- 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 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://adoptioninstitute.org/old/publications/7_14_2010_ForTheRecordsII.pdf Downloaded 2-1-16.
- ⁹ Evan B. Donaldson Adoption Institute (2007). *For the records: Restoring a legal right for adult adoptees*. New York: Author. Downloaded 2-1-16 from http://adoptioninstitute.org/old/publications/2007_11_For_Records.pdf
- ¹⁰ Samuels, Elizabeth J. (2013). Surrender and Subordination: Birth Mothers and Adoption Law Reform. *20 Michigan Journal of Gender and Law* 33. Downloaded 2-1-16 from http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2233400
- ¹¹ Florida woman, 82, tracks down and meets 96-year-old birth mother. (2016, Feb.5). *Portland Press Herald* Downloaded on 2-11-16 from <http://www.pressherald.com/2016/02/05/woman-82-tracks-down-and-meets-96-year-old-birth-mother/>
- ¹² Lum, Bobbi W.Y. Privacy v. Secrecy: The open adoption records movement and its impact on Hawai'i. *University of Hawai'i Law Review* 15:483

HI Adoption Records Law (HRS 578-15)

HI Adoptions Pre - 1991

HI Adoptions 1991 - present

Adoptee at age 18 or older submits application to Family Court to inspect adoption records. Form must be notarized.

State will send notice (certified mail) to birth parents at address on record.

Letter delivered
Birth parents have 60 days to submit affidavit of confidentiality

Letter / notice is undeliverable
SEARCH
Adoptee has option to pay a state-appointed independent searcher to find the parents. Adoptee must pay a fee of \$300 per name (\$600) but this may be negotiable. Searcher has 180 days to search.

Searcher finds the parent(s)
He gives them notice about option to file an affidavit requesting confidentiality.

Searcher cannot find the parents
The applicant will be allowed a copy of their adoption records.

Parent(s) does not file this affidavit
(within 60 days)
Adoptee is allowed to view their records.

Parent(s) files an affidavit
The adoptee does not get access to own adoption record (their parents' names).

One parent files confidentiality affidavit and other does not.
Adoptee will gain access to adoption record, but no information about confidential parent will be included.

Is affidavit of confidentiality on file?
Birth parents had 90 days prior to adoptee turning 18 to submit confidentiality affidavit.

No
Adoptee gets his/her records.

Yes
Adoptee does not get records (names of their parents)

One parent files confidentiality affidavit and other does not.
Adoptee will gain access to adoption record, but no information about confidential parent will be included.

KEY

- Yellow** = Notice to birth parent
- Red** = Adoptee or triad member not given access to record or identifying info
- Green** = Adoptee or triad member given access to adoption record

March 20, 2019

Testimony for H.B. 2082 HD1

DATE: March 23, 2016, Room 016

TO : Senator Keith-Agaran, Chair Senator Maile Shimabukuro, Vice-Chair Senate
Judiciary and Labor Committee

RE : HB2082 HD1; Relating to Adoption Records

I support HB 2082 HD1, unamended.

I truly believe that adult adoptees should be treated as adults. They should be allowed access to the kind of medical and family-related information for themselves and their children.

A member of my family was forced to give up her out of wedlock child many years ago. When California passed legislation that allowed mothers and children to connect, she was finally able to connect with her child—now an adult—and to let him know it had not been her choice to give him up for adoption, something that had haunted her all her life. Their connection answered questions her adult son needed answers to. There are so many stories behind the reasons children are adopted—I think it's time that they, as adults, should be able to hear their own stories. Family is too strong a link to deny, including the risk of serious health issues an adoptee has a right to know.

My thanks to the committee for taking the time to read my comments, and for your previous support of this important bill.

Sincerely,

Katherine A Moore

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB2082 on Mar 23, 2016 09:00AM
Date: Monday, March 21, 2016 5:22:41 PM

HB2082

Submitted on: 3/21/2016

Testimony for JDL on Mar 23, 2016 09:00AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------|--------------|--------------------|--------------------|
| Laura Paulson | Individual | Support | No |

Comments: Hello, I strongly support HB 2082 HD1, which would allow adopted individuals who are 18+ years old and their natural parents access to the adopted individual's sealed adoption records upon submission to the family court of a written request for inspection. As an adoptee myself, I strongly feel other adoptees should be allowed access to their records for many reasons, including the impact on medical history and psychological well-being. From a medical standpoint, knowledge of our genetic history can impact our future medical care (ex. genetic diseases that run in the family). From a psychological standpoint, I believe that knowing our (birth) family history is important to our psychological health. Adoptees often feel incomplete because a whole piece of their history is, in a sense, missing or inaccessible, and as a result, many of us go through life searching for a sense of "wholeness." I admit, this experience of feeling "incomplete" is difficult to put into words, but the best way I can describe it is to say that when adoptees learn information about their birth family, there's a sense of feeling "grounded" and "complete." It's an important part of how we integrate what being adopted means into our current life. Is it true that sometimes our birth family histories are sad? Absolutely, but for us, knowing the truth is what matters. I think we all want to know where we came from. I remember, growing up, most of my (non-adopted) friends could just ask their parents about their family history. But, I couldn't. I often wondered and, at times, would even make up stories in my head, but that is never the same as knowing the truth, no matter what is is. Thank you very much for taking the time to read my testimony.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Testifier: **Lawrence F. Newman**
1009 Kapiolani Blvd., Unit 2402
Honolulu, HI 96814

Committee: **COMMITTEE ON JUDICIARY AND LABOR**
Sen. Gilbert S.C. Keith-Agaran, Chair
Sen. Maile S.L. Shimabukuro, Vice Chair
Sen. Mike Gabbard Sen. Laura H. Thielen
Sen. Kaiali'i Kahele Sen. Sam Slom
Sen. Donna Mercado Kim

Hearing Date & Time: **Wednesday, March 23, 2016 at 9:00 am**

Measure number: **HB 2082 HD1: RELATING TO ADOPTION RECORDS.**
Amends requirements relating to adoption records and the secrecy of proceedings and records. Allows access to adoption records by parties to the proceedings under certain circumstances.

Dear Members of the Committee on Judiciary and Labor,

My name is Larry Newman and as an adopted person, I emphatically support adoption reform that provides unfettered access to one's own adoption records as proposed in HB 2082 HD1.

With regard to ensuring equal justice under law, HB 2082 HD1 restores the rights of adult adoptees to access their birth records, which began to drastically erode in the 1940's. The intent of sealing birth records is deeply misunderstood by most of society and legislatures alike and has resulted in adult adoptees and their descendants being denied their identity and personal histories.

For example, while most believe sealed adoption records protect birth parents' confidentiality, adoption records are not sealed upon the relinquishment of the prospective adoptee. Rather, adoption records are sealed only upon the finalization of an adoption. Sealed records were intended to protect the adoptee and the adoptive family, not the birth parents. So for example, if a child was surrendered to an agency with the expectation of a timely adoption, but in fact, was never adopted, his birth records would never have been sealed. At the age of majority, his birth records would be available and as is always the case, birth parents are never informed of their surrendered child's placement.

Finally, HB 2082 HD1 is about access to one's own information, not contacting birth parents. Be it known that only a small minority of adoptees have an interest in meeting birth parents, siblings or relatives. For those do have an interest and were fortunate to be adopted through a professional and ethical agency (e.g. not a private attorney), most if not all provide post-adoption services including searching for birth-relatives. These searches are conducted and often successful without unsealing birth records, as was the case in my own reunion ten years ago.

I urge the Committee to release HB 2082 HD1 to bring access to adoption records one step closer to becoming law.

Thank you,

L. Newman

March 23, 2016, 9:00 am, Conference Room 016, Chamber level

TO: Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee

FR: Linda Wong
Adoption Circle of Hawaii, Adoptee, Honolulu, Hawaii

RE: HB 2082 HD1
Relating to Adoption Records

I am submitting testimony in **SUPPORT** of HB 2082 HD1, as written, **without any amendments.**

I truly believe that adopted persons have the right to know about their medical history and their family heritage, for themselves and for future generations. And meeting their birth family members is an important part of healing for everyone.

I am an adult adoptee and this law change means a great deal to me. I truly believe the changes are fair and needed. I have been looking for my birth family, some semblance of who I am and/or my medical history since 1988 to no avail due to overly stringent adoption laws. I feel something like an amputee being stuck with out of date adoption laws. I imagine this injustice has contributed to my looking for right action in the Neighborhood Board System for many years here in Honolulu.

I was born in NY, which has somewhat 'closed' adoption laws like Hawai'i. I definitely have a right to my medical information and birth ethnicity. No one should be able to sign away my birthrights. My birthparents are no more important than I and our relationship possibility should not be taken away.

Mahalo mai for having the patience to read and consider my testimony.

Sincerely,

Linda Wong

Diamond Head

Date: Wednesday, March 23, 2016, Room 016

TO: Chair Keith-Agaran
Vice-Chairwoman Shimabukuro
Senate Judiciary and Labor Committee

FR: The Rev'd Mark Diebel, Rector
Christ Episcopal Church, Greenville, New York

RE: HB 2082 HD1
Relating to Adoptions Records

I am submitting testimony in SUPPORT of HB 2082 HD1.

Honorable Members:

I am an adoptee in support of adoptees and other parties to the adoption, 18 and over, to access their own sealed adoption records.

My own story of adoption began in Colorado which sealed records and amended the birth certificate. I was forty-nine when I was able to learn the name of my natural mother who lives in Hawaii and remains a native Hawaiian. The information has allowed me to learn the first chapter of my life and meet people who are indelibly part of me. This information and the possibilities of meeting is a fundamental part of self-knowledge. This knowledge was necessary for me to understand my roots and origin and provide a grounding history for my own grown children.

The Episcopal Church in Resolution 1982-D082 urged its members to advise State Legislatures to make identifying information available to adoptees.

The resolution reads:

Resolution Number: 1982-D082 Title: Urge State Legislatures to Make Information Available to Adoptees Legislative Action Taken: Concurred As Amended Final Text: Resolved, the House of Bishops concurring, That state legislatures be urged to establish procedures that would enable adoptees [upon reaching legal age] to secure current information regarding their historical heritage, medical history, and genetic derivation: (1) without the necessity of court action, and (2) with sufficient safeguards provided for the protection of all parties in the adoptive triangle--the adoptee, the adoptive parents, and the biological parents; and be it further Resolved, That every Diocese and Parish be encouraged to support such action in every state.

Citation: General Convention, Journal of the General Convention of...The Episcopal Church, New Orleans, 1982 (New York: General Convention, 1983), p. C-149.

HB 2082 HD1 is consistent with this intention of increase access to information and helpfully extends it to other parties involved with the adoption.

Respectfully Submitted,

The Rev'd Mark Diebel

Martha W. Hulbert
Honolulu, Hawaii
tidemeadows@gmail.com

To: Senate Committee on Judiciary and Labor
Senator Gilbert S. C. Keith-Agaran, Chair
Senator Maile S. L. Shimabukuro, Vice Chair

March 23, 2016

IN SUPPORT: HB 2082, HD1
RELATING TO ADOPTION RECORDS

*If we have no peace, it is because we have forgotten that we belong to each other.
- Mother Theresa*

THERE EXISTS NO CONTRACTURAL RIGHT TO PRIVACY FOR BIRTH PARENTS
WITH RESPECT TO STATE ADOPTION RECORDS

When, in 1967, I surrendered my child for adoption, the issue of confidentiality was never mentioned, either verbally or in writing.

I now understand that state statute allows records to be made available upon petition to the court and subsequent to granting of the petition. Therefore, any promise of confidentiality made to birth parents by adoption agencies or attorneys with respect to state adoption records are not valid.

However, promises of confidentiality made to birth mothers with respect to adoption agencies or attorney records are valid, as protected by client privilege. Though these records, too, are subject to court subpoena.

Vital Statistics in recent access states have determined that less than 0.1% of birth mothers request no contact.

IMPACT OF SECRECY AND LIES ON THE BIRTH MOTHER EXPERIENCE

To claim the myth of confidentiality as a reason to retain sealed records is to exploit, a second time, women abused in the loss of their children to the institution of closed, private adoption.

In 1967, I was told never to expect to see my child again. I had asked and was denied leaving with him a note of good-bye, a photo or knitted blanket. I asked and was denied my placing him in his adoptive mother's arms, to hold her eyes with my blessing and love. I was told that to do these things would frighten his new parents, especially his mother, and that certainly I could understand this. I could not, until years later when I learned that such remembrances were perceived to undermine the state requirement that children placed for adoption be fully abandoned. The intent was that I be erased from my son's life.

The not knowing reinforces shame, grief, and a void so unimaginatively deep that no words suffice.

CLOSED ADOPTION LAWS FOUNDED IN AN UNETHICAL DISTORTION OF TRUTH

The Uniform Adoption Act, 1994, states, that an 'altered' certificate be created stating the child's new name and parentage "as if the child were born of the adoptive parents. The former [birth] relationship is treated as if it had never happened".

In mid-20th century, when closed, private adoption laws were originally conceived, no studies were undertaken to determine how the secrecy of sealed records and falsity of the altered birth certificate would impact the life experience of adopted persons, adoptive parents, birth parents and their respective families.

THE NATIONAL TREND IN ADOPTION, STATE BY STATE, IS ACCESS TO BIRTH ORIGINS AND MEDICAL HISTORY

I urge the State of Hawaii to surrender the culture of forgetting and remember our belonging to one another.

Sincerely,

Martha W. Hulbert, M.A.

Adoption Therapist (retired)

Recipient, Angel In Adoption Congressional Award

**Michael S. Zola
Attorney at Law
PO Box 2165
Kamuela, HI 96743
(808) 329-1333
Email: michaelzolalaw@gmail.com**

Re: Testimony in Support of HB 2082 HD 1

Hearing: March 23, 2016 9:00am

To the Honorable Members of the Senate Committee on Judiciary and Labor:

I respectfully submit this testimony in support of HB 2082, as it is presently amended (HD 1).

I have been a family law attorney in Hawaii since 1980. I am not adopted, but I have an interest in the bill both as an attorney, and as I have family members and loved ones who are adopted. I support their right to access the records of their birth and adoption when they reach adulthood, which is what HB 2082 does. I am offering my testimony to address concerns expressed by some members of this committee and other lawmakers concerning birthparent confidentiality and the legal implications of HB 2082.

Present Hawaii law provides that upon the adoption of a child, their original birth certificate as well as the Family Court file which usually contains it together with other documents related to the adoption, is sealed. An amended birth certificate is then issued which replaces the names of the birth parents with the name of the adoptive parents. It is important to note that if a child is relinquished or the parental rights of the birth parents are otherwise terminated, the original birth certificate is NOT sealed. Therefore children who are placed in and age out of foster care, for example, or in a legal guardianship arrangement, do not have their original birth certificate sealed and always have access to that document which includes the identity of their birth parents. Moreover, Hawaii has a unique provision that allows the petitioner, the prospective adoptive parents, to choose whether or not to seal the file at the time the adoption is finalized. HB 2082 in fact includes that particular relevant provision. Section 578-15, Hawaii Revised Statutes, subsection (b) presently reads:

"(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."

It is therefore difficult for anyone to make the argument that present Hawaii law implicitly or explicitly promises birthparents anonymity or confidentiality from their biological

offspring or even the adoptive parents. It simply does not.

Moreover, while many states have moved to unrestricted access to adult adoptees of their original birth certificates and other identifying documents, there has never been a single successful lawsuit brought by parties opposed to such laws. To the contrary, attempts by birth parents or others to argue that the retroactive application of statutory amendments allowing disclosure of sealed adoption records to adult adoptees violates the vested rights of birthparents, has been unsuccessful.

Tennessee passed a substantive semi-open records law in 1996. This law was challenged in both federal and state courts. At the federal level the plaintiffs — two birth mothers, an adoptive couple and an adoption agency — asserted that opening records to adult adoptees violated their right to privacy, their parental rights and their right to equal protection as guaranteed by the Fourteenth Amendment to the United States Constitution.

Judge Nixon of the United States District Court sided with the Defendants, who argued that the new law opening records did not violate constitutional rights to familial and reproductive privacy and privacy against disclosure of confidential information. With regard to familial privacy, Judge Nixon explained that “[p]laintiffs’ claims are more accurately analyzed in terms of the release of confidential information, rather than in terms of familial privacy. The Act does not directly impinge upon birth parents’ rights to subsequently marry, have, and raise children as they see fit, or upon adoptive parents’ right to raise their adoptive children as they see fit. Thus, the Act does not fall within the scope of a Constitutional right to familial privacy and autonomy as deemed by case law.” *Doe v. Sundquist*, 943 F. Supp. 886, 893-94 (M.D. Tenn. 1996).

Judge Nixon also rejected the Plaintiffs’ argument that the right to relinquish a child for adoption was analogous to the right to an abortion and thus was a “reproductive choice” subject to constitutional protection. “[The open records law does] not interfere with a ‘reproductive right of privacy,’ since [it] fail[s] to impinge upon a woman’s right . . . to carry a pregnancy to term Since the [open records law] does not prohibit adoption, it cannot be deemed analogous to direct government restraints on private, fundamental decision making [such as laws that criminalize abortion].” *Id.* at 894-895.

The Plaintiffs appealed to the Sixth Circuit Court of Appeals, which affirmed Judge Nixon’s decision and his reasoning. Notably, the Court explained that “[a] birth is simultaneously an intimate occasion and a public event – the government has long kept records of when, where, and by whom babies are born. . . . [in passing its open records law], [t]he Tennessee legislature has resolved a conflict between the interest [of adoptees in knowing the circumstances of their birth] and the competing interest of some parents in concealing the circumstances of a birth.” 106 F.3d 703, 705 (6th Cir. 1997)

The Plaintiffs appealed to the United States Supreme Court, which denied certiorari (declined to hear the case) in 1997, upholding the Sixth Circuit Court decision and ending the federal case. The Supreme Court of Tennessee also rejected challenges to the law under its state constitution, and the law went into effect. *Doe v. Sundquist*, 2 S.W. 3d 919 (1999)

Measure 58, a ballot initiative passed in Oregon in 1998, approved the unconditional opening of original birth certificates to adult adoptees upon request. Immediately after the election, Measure 58 was challenged in court. Six anonymous birth mothers represented by an attorney with support from the National Council For Adoption, an anti-open records lobbying organization, filed suit in state court, claiming that open records violated contracts of anonymity made at the time of relinquishment as well as their right to privacy. This suit was dismissed in mid-1999. Judge Lipscomb stated, “this court may not set aside Measure 58 unless it runs afoul of the Oregon or United States Constitutions. It is my conclusion that it does not. Even assuming birth records to be an intimate personal matter, the effect of Ballot Measure 58 is only to give access to the person born, not to the general public. And significantly, there was no privacy or confidentiality at all which was attached to adoption records at the time of the enactment of either Constitutions.”

The Oregon Court of Appeals affirmed the lower court’s decision, holding that birth mothers have no constitutional guarantee of privacy regarding the fact that they relinquished a child, despite promises they may have received that their identities would be protected. Does v. State of Oregon, 164 Or. App. 543, 993 P.2d 833, 834 (1999)). The Court refused to extend an earlier stay blocking the law from taking effect, leaving the United States Supreme Court as the only option for the opponents. In May 2000 the Supreme Court rejected the six anonymous birth mothers’ request to stay the law. After nearly two years of court battles, Measure 58 went into effect.

The overarching determination of these legal decisions has been that opening records to adult adoptees is related to achieving goals in the public interest, that birth parents had no reasonable expectation that adoption records would be permanently sealed, and that amendments to sealed records laws were remedial in nature.

Despite the dire warnings of opponents in these and other open records states, opening records to adult adoptees has had no known deleterious effects. The abortion rate has not increased. Babies are not being abandoned at increased levels. Adoption has not declined as a result of affording adult adoptees the right to their original birth certificates and adoption file on request. Again, to the contrary, it should be noted that today “open adoptions”, where identifying information is shared between the birth parents and the adoptive parents, account for more than 90% of all adoptions, and this was done at the demand of prospective birth parents who have nearly universally rejected the concept of closed and sealed adoptions.

It is my considered legal opinion that HB 2082 HD 1 in its present form does not pose any legal liability risk to the State, and does not interfere with the constitutional rights of any party. To the contrary, current Hawaii law, which unilaterally allows a birth parent to deny an adoptee access to the records of their birth and adoption, without any recourse or right of hearing by the adoptee, presents more of a problem in terms of liability and breach of constitutional rights than HB 2082 HD 1, which simply does what is the norm in most of the rest of the world and is becoming increasingly common across the United States, acknowledges the right of an

adult adoptee to the original records of their birth and subsequent adoptions. I therefore urge the members of this Committee to vote yes on HB 2082 HD 1 as it is currently written.

Dated: March 21, 2016, Honoka'a, Hawaii.

Michael S. Zola

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB2082 on Mar 23, 2016 09:00AM
Date: Monday, March 21, 2016 12:25:01 PM

HB2082

Submitted on: 3/21/2016

Testimony for JDL on Mar 23, 2016 09:00AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Neil F Hulbert | Individual | Support | Yes |

Comments: I support this bill without amendments; it is consistent with constitutional principles and respects the rights of adoptees. If the committee wishes to clarify this bill as it did in the introduction and description of SB 2153, please do it in the committee report so that this bill can achieve final passage without the House having to hear the Senate bill in two committees.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB2082 on Mar 23, 2016 09:00AM
Date: Monday, March 21, 2016 3:32:29 PM

HB2082

Submitted on: 3/21/2016

Testimony for JDL on Mar 23, 2016 09:00AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Oakwood Hirata | Individual | Support | No |

Comments: I support the right for adoptees, adoptive parents and birth parents to access adoption records.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HB2082 on Mar 23, 2016 09:00AM
Date: Tuesday, March 22, 2016 2:12:51 AM

HB2082

Submitted on: 3/22/2016

Testimony for JDL on Mar 23, 2016 09:00AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Patty Guillemette | Individual | Support | No |

Comments: Please pass this bill for all adoptees in the great State of Hawaii!!It is truly the right thing to do for all of them. They are adults at the age of 18 and they should be allowed to open their adoption records and find the answers that they have longed to know. We all take it for granted because we have parents and many of us siblings, aunts,uncles,grandparents, etc. All of the adoptees deserve to know. There is so much support for this bill. That really says something about our society.People want to shed that secrecy and bring families together, not keep them apart. Again, I ask all of you to please pass this bill. It is really the right thing for everybody! Thank you.
Patty Guillemette wife of Baby Boy Sugimoto/ AKA Jeff Guillemette

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March 23, 2016, 9:00 am, Conference Room 016, Chamber level

TO: Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Senate Judiciary and Labor Committee

FR: Rhonda McCormick
Adoption Circle of Hawaii, Birthmother, Honolulu, Hawaii

RE: HB 2082 HD1
Relating to Adoption Records

I am submitting testimony in **SUPPORT** of HB 2082 HD1, as written, **without any amendments**.

I am a birthmother, and I strongly support the right of all adult adopted individuals, who have attained 18 years of age, to gain access to their sealed adoption records, including all medical and family information, if they wish to do so. I also support the right of birth parents to gain access to the sealed adoption records, once the adoptee attains the legal adult age of 18, should they decide to do so.

I truly believe that adopted persons have the right to know about their medical history and their family heritage, for themselves and for future generations. And meeting their birth family members is an important part of healing for everyone.

I reconnected with my child in 1982. During my search, I obtained a copy of my original consent to adoption form, from the 1960's. There was NO mention of confidentiality! For years I wondered where my child was, and was my child healthy and happy. After we met, I found out we shared the same feelings.

Although we have had the usual ups and downs of any relationship over the years, neither of us have any regrets about reuniting. Getting information about family medical issues was extremely important, and forming close relationships with all of the family members on both sides has been a joy for both of us.

I thank each of you on the Committee for taking the time to read my testimony, and for your previous support of this issue.

Rhonda McCormick

To: Hawaii Senate Committee on Judiciary and Labor:

From: Shea Grimm

(808) 217-3209

Re: Testimony in Support of HB 2082 HD 1

Hearing: March 23, 2016 at 9:00am

I respectfully submit this testimony in support of HB 2082 HD 1. While I intend to appear in person at the hearing on March 23, 2016 to testify orally, due to the time limitations, I also submit this more extensive written testimony for the Committee's consideration.

I am an adult adoptee and resident of the State of Hawaii.

I became an adoptee rights activist 25 years ago when I learned, in the course of my own search for my birth parents, that records were sealed to adult adoptees throughout much of the United States. I subsequently co-wrote Measure 58 in Oregon, which was the first and only ballot measure to address the issue of adoptee records. It passed by a wide margin in 1998 and after unsuccessful legal challenges, went into effect in 2000, providing original birth certificates to adult adoptees on request. Since that time, due to the success of the law, Oregon went even further and opened the entire adoption file to adult adoptees on request.

I was also involved in the subsequent successful passage of unrestricted open records bills in additional states.

Like most searching adoptees, I was able to find my birth parents despite the sealed records laws. In the process I created the first adoptee rights website on the Internet, entitled An Adoptees Right to Know. I wrote the first free electronic search handbook for adoptees which was distributed throughout the Internet beginning in the mid 1990s. I became what is now termed a "search angel" and performed hundreds of free searches for adoptees for many years. Now the search angel network has grown exponentially, with thousands of volunteers in every state and most countries volunteering their time and expertise to assist adoptees in searching. Many of these angels have become DNA experts and with the advent of inexpensive DNA testing and data bases, the ability to find one's birth family has become easier than ever.

I advise the committee of this because for me, HB 2082 HD 1 is not primarily about search and reunion. While a very few adoptees who have been unable to find their birthfamilies using other means, including the state's expensive, invasive, and undignified confidential intermediary system, may well use the information disclosed to them through HB 2082 HD 1 to search and find, many others will access the information for much simpler and pragmatic reasons.

Like many adoptees, even though I was adopted as an infant, my amended birth certificate is delayed by more than a year after my birth. As a result of the state department's policies concerning delayed birth certificates, I was denied the renewal of my passport in the early 1990s. I was fortunate in that it was not much later that I found my birth parents and was then able to obtain a copy of my original birth certificate plus my adoption decree, which I was then able to produce to verify my identity and explain the delay in my amended birth certificate. Many adoptees, even those who have successfully searched and found, are not so lucky. Now with the advent of Real ID, states are denying adoptees drivers' licenses due to irregularities in their amended birth certificates. HB 2082 HD 1 would address this problem for most adoptees.

I am aware that the Committee has received written testimony that more thoroughly addresses the issue of the legal issues and implications of HB 2082 HD 1. I only want to add, that birthparent anonymity is not something that was promised or could ever have been promised to birth parents, and that has only become exponentially more so for the DNA and search reasons I enumerated above. Laws change and the things that people were able to do or not do one year, might not be true the next year. Whether marriage equality or other laws that have evolved over time as our social mores and sense of justice has changed, the law must keep up with society. Times have changed. Adoption is, or shouldn't be, secret or shameful. There is not, or shouldn't be, a stigma associated with being adopted, or born out of wedlock, a birth parent, or an adoptive parent. Sealed records laws simply perpetuate these outmoded and harmful stereotypes and attitudes.

It is my belief that adult adoptees have a right to the original record of their birth as well as the records of their adoption. For those of you who are not restricted from your birth certificate, it might be difficult to imagine, but this record is the first page in the stories of our lives. This of course takes nothing away from our parents, in the truest sense of the word, those who raised us. But we also have an interest and right to know the other pieces of the puzzle. We have a right to be treated equally under the law. We should not be treated as shameful secrets by the state, or denied the equal protection and due process of law.

With regard to birthparent confidentiality, as adults, we are capable of managing our relationships, including those with our birthparents, far better than the state can. Yes, a very few birth parents will not want contact with their adult adopted offspring. I have seen it happen, albeit rarely. But whether the state opens records or not, adoptees will continue to search, and do so successfully, and will continue to be respectful of birth parents who do not want contact. But far better for an adoptee to make contact discreetly than for birth parents to receive mailed notices from the state or clumsy contact from unskilled confidential intermediaries who have no stake in the matter other than a paycheck, or have to resort to holding up signs with personal details on social media and sending out emails to random strangers who are DNA matches on testing services.

I therefore respectfully request that you pass HB 2082 HD 1, open our records to us, the people to whom they inarguably most intimately pertain, restore to us our dignity and equality.

Shea Grimm