



February 29, 2016

Re: Support for SB2153

To: Honorable Members of the Hawaii Senate Judiciary 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 SB2153 – 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", written in a cursive style.

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



February 29, 2016

Written comments regarding SB2153, respectfully submitted by Adam Pertman, President and CEO of the National Center on Adoption and Permanency:

Thank you for reviewing these comments on SB2153, 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



ADOPTION: NO SECRETS. NO FEAR.

February 29, 2016

To Whom It May Concern,

The American Adoption Congress (AAC) is comprised of individuals, families and organizations committed to adoption reform. We represent those whose lives are touched by adoption or other loss of family continuity. Since our inception in 1978, our mission has been to promote honesty, openness and respect for family connections in adoption, foster care and assisted reproduction. The American Adoption Congress believes that growth, responsibility, and respect for self and others develop best in lives that are rooted in truth. The AAC is committed to achieving changes in attitudes, policies, and legislation that will guarantee access to identifying information for all adoptees and their birth and adoptive families.

We are writing to you in support of SB.2153, legislation that would allow adult adopted persons upon reaching the age of 18 in Hawaii to access their original birth certificates and adoption files. .Allowing adopted adults access to a true and accurate copy of their birth certificates and documentation speaks to the core mission and fundamental beliefs of the American Adoption Congress. The need for this information is both practical and personal; restoring access to the original birth certificate has the ability to provide to the adopted person information pertaining to their biological origins. This information could lead to life saving medical knowledge, confirm ethnicity, and provide additional information relating to cultural background and other needed genetic information. On a personal level, individuals have the right to know their full story and the story of every human being begins with their birth. Recognizing the crucial importance of this issue, other states have restored access to this information and the data demonstrates positive results, as lives are improved when individuals are allowed knowledge of their complete and accurate history. The research has consistently demonstrated that the overwhelming majority of original parents are not seeking anonymity from the child they gave birth to.

Further, openness in adoption has been a core practice concept in adoption for many years, as honesty and transparency is healthier for all members of the adoption constellation and also has the ability to ensure ethics in adoption practice.

The law in Hawaii currently allows a small segment of adopted adult's access to their original birth certificate and documentation. Advocates in Hawaii are currently seeking to create equality for all adopted persons. The AAC supports these efforts and urges the government in Hawaii to pass legislation allowing for this equality to occur. Adopted persons, like every other human being, have a right to their own vital information. We have every hope that the state of Hawaii will recognize this inherent truth and act to support this change in the law.

Thank you for your time and attention to this critical matter. Please do not hesitate to contact us if we can provide any additional information

Sincerely,

Cynthia McGuigan
President, American Adoption Congress

Board of Directors

Cynthia McGuigan
President

Roberta MacDonald
Vice President

Committee Chairs

Cynthia McGuigan
Conference

Susan Harris O'Connor
Co-chair, conference

Roberta MacDonald
Event & Website

Susan Friel-Williams
Membership

Regional Directors

Susan Friel-Williams
South

Susan Harris O'Connor
New England

Adoption Circle of Hawai'i
P.O. Box 10304, Honolulu, Hawai'i 96816-0304
info@adoptioncirclehawaii.org



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

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

Re: Support of SB 2153, Relating to Adoption Records

The Adoption Circle of Hawai'i (ACH) supports SB 2153 as is, with no changes or amendments to it. 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 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. **SB 2153 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 SB 2153 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.

Tom Moore

President, Adoption Circle of Hawai'i



82-year-old adoptee finds 96-year-old birth mother after a 50 year search!

5:25 48°



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



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

www.bastards.org

To the Hon. Members of the Hawaii House of Representatives Judiciary Committee.

Bastard Nation: the Adoptee Rights Organization

Testimony in Support of SB 2153

Senate Judiciary Labor Law Committee: March 2 , 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 SB2153, 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 JDL Committee.

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, SB 2153, as presently amended, and its sponsors gets it right. SB 2153 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. SB 2153 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 SB 2153.

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.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2153 on Mar 2, 2016 10:01AM
Date: Sunday, February 28, 2016 8:09:11 AM

SB2153

Submitted on: 2/28/2016

Testimony for JDL on Mar 2, 2016 10:01AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Amy Halas | Individual | Support | No |

Comments: I am an adoptee and I support Senate Bill 2153. Please mitigate and abolish the shame and secrecy that has resulted from the sealed adoption records system. Adoptees are entitled to know the origins of their existence, and their place in their biological family's genealogy. This is a crucial element of self identity. In addition, any data pertaining to the medical health history of the adoptee's biological families is critical to the adoptee's well being. These are basic human rights. Hiring a court appointed intermediary to conduct a search for the adoptee's biological parents is cost-prohibitive. Securing a private investigator or conducting one's own search can be extremely expensive as well as time-consuming. Therefore Senate Bill 2153 will allow unfettered access to sealed records for those adoptees who wish to obtain this extremely important data that pertains to the origins of their very existence. I support Senate Bill 2153. Most Respectfully, Amy K. Halas

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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I am writing in support of SB2153, 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 SB2153 on Mar 2, 2016 10:01AM
Date: Sunday, February 28, 2016 8:24:11 AM

SB2153

Submitted on: 2/28/2016

Testimony for JDL on Mar 2, 2016 10:01AM in Conference Room 016

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

Comments: Aloha Chair Keith-Agaran, Vice Chair Shimabukuro and Committee Members: I support SB 2153 as is. 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 SB 2153 as is. Thank you for the opportunity to testify.

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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To: Senator Gilbert Keith-Agaran, Chair of the Judiciary Committee

From: Doreen Akamine, RN and adoptive parent

Date: Feb. 28, 2016

Re: SB 2153

I am writing in support of this bill.

As an actively employed registered nurse with over 30 years of acute care experience, not a day goes by where we as healthcare professionals will ask these two questions of nearly every new patient we encounter, "Do you have any known allergies" and "Can you tell me your family medical history?" Many patients may not have the answer to either question but it is not because they don't have access to obtaining the information, it is simply because they do not know the information. How critical the information is depends on the degree of clinical severity and safety risk for the patient. The more invasive the situation, the more essential the information. Life threatening conditions with fatal outcomes can be minimized or completely avoided with good preventive care. Such was the case for Angelina Jolie who opted for a bilateral mastectomy with the knowledge of breast cancer that killed her mother, grandmother and aunt. "On top of the BRCA gene, 3 women in my family have died from cancer," according to Jolie.

In addition, James Fixx, a guru of the running sport and author of the "Complete Book of Running" that helped shape the running boom of the 1970's, unfortunately died of a heart attack at the age of 52 while on a routine 10mile run. Fixx was genetically predisposed - his father died of a heart attack at 43 after a previous one at 35 which according to Fixx, he was able to stave off the inevitable.

These are just two examples of what these individuals chose to do based on the information of their family history. Unfortunately, adopted persons will not have the means to make a choice for their health based on the current law that prohibits them from obtaining their birth records.

As an adoptive parent, I feel completely helpless to not be able to provide any family medical history to my adopted children. Although, I am able to provide medical guidance for a healthy lifestyle, it does not remove the fear of every parent that their child could acquire a life threatening illness. The difference is, my adopted children and I will never know the likelihood and probability of it secretly developing.

I strongly urge that this bill be passed.

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

Elizabeth Samuels, Professor of Law
University of Baltimore School of Law
1420 North Charles Street
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esamuels@ubalt.edu

RE: Senate Bill 2153

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 Judiciary Committee:
Re: SB 2153
From Erin Iwalani Castillo LCSW DCSW
P.O. Box 4286
Kaneohe, Hi 96744
808.277.2967

March 1, 2016

Aloha kakou. I am in support of SB 2153 with no amendmendments.

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 my children's information. We all have the right 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 2, 2016, RM 016, 10:01am

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

FR : George & Maile Takane
Adoptive Parents

RE : S.B. 2153
Relating to Adoption Records

We are in **complete support of SB2153**. We want it to **pass with no changes**. We **wanted this bill and asked for House Bill 2082 to be amended to be the same as this bill**. We believe that these changes **address 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 Hawaii, that she revealed her struggles with being adopted. Never really knowing why she was given up has been a source of great pain and adversity. What we learned is that we and all the love we had for her could not replace the loss of her birthparents, her medical history, her genealogy and we could not answer any questions regarding this. The only thing we could do is support her in whatever way possible to reunite her with them so that she could finally get her answers and be able to heal.

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 Senate Bill 2153 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.

We thank the committee for taking the time and effort to read our testimony.

Aloha,

George and Maile Takane

**Testimony in support of SB2153 RE: Adoption
Records**

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.

February 29, 2016

MEMORANDUM

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

FROM: Harry Akamine

SUBJECT: **S.B. 2153 RELATING TO ADOPTION RECORDS**

Hearing: Wednesday, March 2, 2016; 10:01 a.m.
Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 2153 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.

Thank you for the opportunity to comment on this bill.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2153 on Mar 2, 2016 10:01AM
Date: Saturday, February 27, 2016 3:59:56 PM

SB2153

Submitted on: 2/27/2016

Testimony for JDL on Mar 2, 2016 10:01AM in Conference Room 016

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

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. 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 and until this past year, having to pay an intermediary \$300.00 per parent to tell me that my mother had died and 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 Jeff 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, 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 their parents are and they should be able to have contact with them before they die! That is why this bill SB2153 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 something that most of us have as our basic right-a mother and a father and to just be able to know them. 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. Pass this bill!!!!

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

DATE: March 2, 2016, RM 016, 10:01am

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

FR : Jan Takane
Adoptee

RE : S.B. 2153
Relating to Adoption Records

I fully support SB 2153 to reform our current adoption bill. I urge the Committee to pass it with no changes made to it. This is the bill I've always wanted as a local adoptee. 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 than 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. **Please support SB 2153 with no changes.**

Mahalo, Jan Takane

DATE: March 2, 2016, 10:00 am, Rm 016, Chamber level

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

FR : Julianna FreeHand

RE : SB 2153
Relating to Adoption Records

I support SB 2153.

As a sibling of an Adoptee who found our family in 2007, a relationship which has been very comforting to me and my family even though my mother has long since passed away, I urge the Senate Judiciary Committee to pass this Bill.

Although our mother died back in 1961 without sharing anything about relinquishing a child for adoption, we found definite proof :

- 1) not only had my sister retained her original last name
- 2) we located the hospital record in my mother's inherited paperwork.

So we are confident that she is indeed a lost sibling. However, I have a problem these days as I have watched my sister try to locate her father online through a \$100 online DNA test service.

I am very concerned and it is a point of conflict between us. She feels now she has located him (although he's deceased) and wants me to trust her search enough to meet & greet his side of the family! Since the records are closed & she has no way to confirm her online discovery, I am very trepidatious. While she is quite happy, I am quite uneasy. As long as birth records are sealed, people will resort to online searches where there is a real opportunity for financial not to mention emotional exploitation.

Thank you for taking the time to read my testimony.

Julianna FreeHand

DATE: March 2, 2016, 10:00 am RM 016, Chamber level

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

FR : Kalani Mondoy

RE : SB 2153
Relating to Adoption Records

I am writing in support of SB 2153. In 1982 while attempting to get my driver's permit, I found out that I actually have a birth certificate that says "ADOPTION" on it. My father was trying to convince the people who were issuing the driver's license permit that my birth certificate was a legal one. They did not want to accept it for the main reason that only my father was listed on the birth certificate but no name for the the mother. It was later explained to me that my biological father did that to take legal custody over me. It was the beginning of my continued journey accessing my original birth certificate.

In 1994 I began to access my adoption file and I was given wrong information due to my unique situation. This would eventually expand until 2003 after actively seeking out my biological mother of whom did not raise me to help me with this, since I was told that only the birth mother could request to inspect adoption records, that it was revealed that my father, who just passed could also have done this back in 1994.

I retried the process again last year March of 2015, flew to Hawaii from California and had my mother signed the REQUEST TO INSPECT ADOPTION RECORDS. I flew back to Hawaii in November 2015 and appeared at the Hawaii Vital Statistics, I was told that despite having followed the proper channels to REQUEST TO INSPECT ADOPTION RECORDS, it was suggested that I should just get an attorney since there was nothing else that they could do.

It was in March 2015 that I also began the journey of accessing my mother - Judy Kim Smith's adoption files after she revealed to me back in August 2014 that she was actually adopted. There were so many delays and obstacles. I was first told that they (Family Court - First Circuit) could not find any adoption record for my mother, and I was asked if I am sure that she was adopted, and that maybe she was adopted from the mainland. I had to provide my mother's current birth certificate and had showed them proof that I had a copy of the index with my mother's.

I should not have had to prove that my mother was adopted in order to take the necessary steps to obtain access to her adoption files. Of course I had to fly to Hawaii again from California to assist my mother, and not only did I had to pay per the court's instructions for a private investigator to have him find the wrong person for my mother's biological father based on what

was listed in her adoption file, I also paid for other means such as different DNA tests in order to speed up this lengthy and unnecessary process.

On February 13, 2016 when my mother received a letter from the Family Court - First Circuit letting her know that she can now access her adoption files. This comes eight months after I figured out on my own utilizing DNA and genealogy to figure out who my mother's biological parents were. In fact it was just four months ago that I flew to Hawaii to witness my mother meeting her biological sister and some other family members for the very first time. Although she had other siblings who are now deceased, who remembered my mother's birth, had this not been all about the parents' rights versus the adoptee's, my mother's reunion would have been a much more meaningful one having met the siblings who knew of her existence.

While my mother's situation was not life threatening where a true family medical background would have been necessary, I have been working with the genetic genealogy community helping other adoptees for the past 3 years and have heard of other stories and know of personal accounts of people who could not access their adoption files. It took my mother 72 years before she found out the names of her parents thanks to my persistence due to the reluctance and difficulties experienced with the courts.

This is why I am in support of SB 2153, so that others would not have to wait more than 7 decades to find out who their family is. So that others would not be in my situation where they are still struggling with the court, and paying unnecessary fees that gives absolutely either no rights to adoptees, if not just makes it difficult.

Aloha me ka ha'aha'a,

Kalani Mondoy

Date: 3-1-16 for Senate Committee on Judiciary and Labor Hearing 3-02-16

Re : SB 2153 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 SB 2153.

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. **SB 2153 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 SB 2153. I thank you for the opportunity to testify.

Respectfully,

Kat McGlone, PhD



References on next page

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- 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

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2153 on Mar 2, 2016 10:01AM
Date: Saturday, February 27, 2016 1:50:33 PM

SB2153

Submitted on: 2/27/2016

Testimony for JDL on Mar 2, 2016 10:01AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Katherine A Moore | Individual | Comments Only | No |

Comments: I SUPPORT OPEN RECORDS, a bill where an adoptee 18 or older can access their records, one that gets rid of the intermediary system so that there are no longer subgroups of adoptees having to go through different procedures, and a contact preference option (instead of a contact veto) which would give voice to all but not preclude them from the information that is necessary to their health, genealogy, family history and self-knowledge. These are basic rights for every human being, no matter the circumstances of their birth. Adoptees have no choice in their birth, or the families who raise them, but they deserve the right to know what makes them who they are.

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 2, 2016, 10:00 am RM 016, Chamber level

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

From: Kimberly T. Montoya, Hawaii Adoptee
Kmontoya7@outlook.com

Ref: In Support of SB 2153
Relating to Adoption Records

I am an adoptee attempting to complete my "chapter one" in life. As most Americans have the legal availability of their beginnings, I don't. I'm one of the few Americans who don't have the choice of liberty to find my lineage, medical information, historical background, and much more at my own discretion, as an adult.

There are many financial, physical, emotional and social occurrences that complicate lives of adoptees and birth parents due to the current law on adoption records in Hawaii. Please understand the weight that thousands of hours searching on the internet, libraries, phone calls, faxes, emails, thousands of dollars in PI's, DNA tests, ancestry research, weeding through lies, misunderstandings, family fables, false dreams and hopes has. Along with, overcoming the mental oppression of the "ifs", along with emotional longing to belong. To see your reflection in someone else's face, to know where your hobbies, dislikes and habits come from, questions if I was loved or if they love me, do they forgive me or can I forgive them? Much of this is hidden behind the eyes and smile of adoptees and birth parents. These detriments are caused by a negative stigma, from the archaic laws that are still in effect, limiting the liberty of accessibility to birth and adoption records to those that rightfully need them.

Just recently, after obtaining my DNA and educating myself on how to utilize the information from it, I was able to locate the paternal side of my family. Also, I found out my lineage which originally was thought to be different. This precious piece of identity, some take for granted, was fulfilling and started adding to my chapter one. My whole family, sat around me, when my DNA results came in and watched the computer screen as I pushed the button that disclosed my lineage. Now my children are correcting the information they once thought was true of their lives. Many generations are impacted by and need the information that the adoption and birth records hold.

Passing SB 2153, will give me and many others searching, closure to many of the complications mentioned above. Please consider the legal rights of adult adoptees to access their records without stigma, penalties and barriers. Please consider the rights of adoptees to access their medical history. Please allow adoptees to have full access to all the information in their adoption and birth files. Please allow adoptees to have access to their biological roots, medical history, to truth, to family history, and to healing.

I ask and petition too:

1. All members of the adoption are adults and should be treated as such. There is no longer any adopted child to protect.
2. Adult adoptees should have crucial medical and other family-related information not only for themselves, but for any future generations.
3. The State should not impede relationships among adults (ex. the members of the Triad (adopted person, birth parent and adoptive parent)).
4. The law never promised a birthmother complete confidentiality. The records could always be opened by a judge showing good cause.

5. Birth parent privacy concerns should not supersede an adoptee's access to critical information about themselves.
6. States like Oregon and Tennessee who have open records laws withstood legal challenges because their Higher courts found that there is NO statutory or enforceable contractual guarantee to birth parent anonymity from their own offspring and constitutional right to privacy of birth parent anonymity from their own children.
7. Persons adopted in different years should be treated the same by the law. One group shouldn't have to pay more money, etc.

Thank you in advance for your consideration and reading my testimony,

Kimberly T. Montoya

Kimberly T. Montoya

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2153 on Mar 2, 2016 10:01AM
Date: Monday, February 29, 2016 6:30:02 PM

SB2153

Submitted on: 2/29/2016

Testimony for JDL on Mar 2, 2016 10:01AM in Conference Room 016

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

Comments: Hello, I strongly support SB2153, 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.

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

Committee: **COMMITTEE ON JUDICIARY AND LABOR**
Senator Gil Keith-Agaran, Chair
Senator Maile Shimabukuro, Vice Chair
Mike Gabbard Laura H. Thielen Kaiiali'i Kahele
Sam Slom Donna Mercado Kim

Hearing Date & Time: Wednesday, March 2, 2016 at 10:01 am

Measure number: **SB2153 – RELATING TO ADOPTION RECORDS.**
Allows adopted individuals who have attained eighteen years of age unfettered access to the adopted individual's sealed adoption records.

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 SB 2153.

With regard to ensuring equal justice under law, SB 2153 *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, SB 2153 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 an ethical and professional 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 SB 2153 to bring access to adoption records one step closer to becoming law.

Thank you,

L. Newman

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 2, 2016

IN SUPPORT, SB 2153
RELATING TO ADOPTION RECORDS

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

CLOSED ADOPTION LAWS FOUNDED IN A 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 the paternalism of closed, private adoption laws were 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.

HAWAII STATUTES CONTAIN NO CONTRACTURAL RIGHT TO PRIVACY FOR
BIRTH PARENTS WITH RESPECT TO STATE ADOPTION RECORDS

To claim birth parent confidentiality is to exploit, a second time, mothers used as pawns to prevent adopted persons access to birth identity and medical history.

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 with respect to adoption agencies or attorney records are valid, as protected by client privilege.

THE IMPACT OF SECRECY AND LIES ON THE BIRTH MOTHER EXPERIENCE

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

I was told, however, 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 to erase my name from my son's life and his from mine.

This not knowing, demanded by the Orwellian myth of confidentiality, has shamed millions into unimaginable grief and silence. For decades, agencies and attorneys have come before law makers with sordid claims of birth mothers' lives falling to ruin if a son or daughter were to learn her name. On the contrary, in the states allowing access, no such stories have emerged. Vital Statistics in recent access states determined less than 0.1% of birth mothers request no contact.

In the 1990s, I served an internship at Catholic Charities Hawaii counseling women facing an unplanned pregnancy. My supervisor was clear in his instruction that we were not to ensure relinquishing parents confidentiality with respect to court records. In an age of openness, he said, no such assurance exists.

We did counsel, and I say to you, that truth, no matter it's difficulty and carefully tended, can be a powerfully liberating force for healing.

With appreciation for this opportunity,

Martha W. Hulbert, M.A.
Adoption Therapist (retired)
Recipient of 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 SB 2153

Hearing: March 2, 2016 at 10:01am

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

I respectfully submit this testimony in support of SB 2153.

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 SB 2153 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 SB 2153.

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. SB 2153 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 SB 2153 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 SB 2153, 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 SB 2153 as it is currently written.

Dated: February 29, 2016, Honoka'a, Hawaii.

Michael S. Zola

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2153 on Mar 2, 2016 10:01AM
Date: Saturday, February 27, 2016 7:12:42 PM

SB2153

Submitted on: 2/27/2016

Testimony for JDL on Mar 2, 2016 10:01AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Nadine Onodera | Individual | Support | Yes |

Comments: To: Senator Gil Keith-Agaran, Chair Senator Maile Shimabukuro, Vice Chair Senate Judiciary Committee Thank you for allowing me to submit testimony in support of SB 2153. As a birth mother of an adopted child I stand in strong support of adults having access to crucial medical and other family-related information not only for themselves, but for any future generations. The culture of shame has long been over and the time for openness is here. The Hawaiian Hanai system is much more civilized and kind to all involved. Please rule to allow us all to return to a better way for adoptees. Thank you, Nadine Onodera

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NEIL F. HULBERT
Attorney at Law
1800 ASB Tower
1001 Bishop Street
Honolulu, HI 96813
(808) 222-1312

DATE: March 2, 2016

TO: Sen. Gilbert S.C. Keith-Agaran, Chair,
Sen. Maile S.L. Shimabukuro, Vice Chair
Senate Committee on the Judiciary

RE : SB 2153 Relating to Adoption Records

I support this bill; it is consistent with constitutional principles and respects the rights of adoptees.

The red herring usually introduced in debates over this issue is birth parent privacy. Generally suppressed in the debate is an adoptee's right to obtain complete information about his or her own adoption and birth heritage. The restriction placed on adoptees is a denial of equal protection for at least two reasons, first, all other citizens have a right to see State records that pertain to them and, second, adoptees are treated differently depending on when they were born.

Adoption Enjoys No Constitutional Status

Adoption is not a constitutional right, it is statutory. There is no constitutional right to give birth to a child and have someone else assume the legal obligation to raise that child. That right is granted by statute. Confidentiality in the adoption process is not a constitutional right or an enforceable contract right. Since adoption is not a constitutional right, there is no right to have an adoption under circumstances that guaranty perpetual anonymity. Indeed, the legislature could decide that the relinquishment of a child for adoption be published in the newspaper.

Birth Parents Have No Constitutional Right of Privacy in Adoption Records

A review of Hawai'i adoption statutes proves that birth parent privacy was never a goal or motivating factor. At no time in Hawai'i's history have the statutes prevented the dissemination of birth parents' identities. At no time have the adoption laws required the consent of, or even notice to birth parents on the opening of adoption records. Records were not sealed in Hawai'i until 1945, and have always been available to the parties and their lawyers and could be opened by court order to any "proper" person on good cause, without the consent of, or even notice to, the birth parents. *See* L 1945, c.40 pt. of §2 and HRS §578-15. "Good cause" has never been defined in the statute and thus anything (or nothing) can qualify as good cause. Since 1919, service of notice of adoption proceedings has been permitted by publication, obviously a public event. *See, e.g.* L 1919 c. 3, §§4 and 5; HRS §578-7.

The only contract implicating birth parents that might have been created during the adoption process would have been between the birth parents and an adoption agency (or possibly with the potential adoptive parents). While the agency may have been able to agree to keep its own files confidential, it had no authority to bind the State to keep State records confidential. Nor would a State agency have been able to bind the State to absolute confidentiality contrary to the statute that has always allowed a court to open the records. This bill does not impact a private agency's own files. Any "promise" or contract of perpetual confidentiality made by any private or state agency or lawyer was made without authority and was a misrepresentation of the law. Contracts in contravention of law are prohibited. HRS §1-5. A contract made by a minor birth parent may be avoided when the minor reaches the age of majority. *Douglas v. Pflueger Hawaii, Inc.*, 110 Hawai'i 520 (2006). An expectation of privacy entitled to constitutional protection must be a reasonable expectation. *State v. Klattenhoff*, 71 Haw. 598, 801 P.2d 548 (1990) (no reasonable expectation of privacy in bank records). Since any "promise" or "contract" of perpetual confidentiality was contrary to statute, unauthorized and a misrepresentation of the law, birth parents could not have had a reasonable expectation of privacy.

A birth has always been essentially a public event with records created and notices of births frequently published in newspapers. Adoption is an inherently non-private event and requires the participation of, at a minimum, willing birth parents, willing adoptive parents and the oversight and approval of the state. *Doe v. State of Oregon*, 164 Or. App. 543, 993 P.2d 822 (1999). While family court proceedings may not be public, that is by statute or court rule, not by constitutional mandate.

Adoptees Are Denied Equal Protection Since They Are Divided Into At Least Three Classes Regarding Access to Their Own Adoption Records

The current statute is unconstitutional because it creates at least three classes of adoptees for no rational reason: first, those born before 1945, second, those born between 1945 and prior to January 1, 1991, and, third, those born after December 31, 1990. The records of adoptees born before 1945 have never been sealed. The 1945 amendment closing the adoption records did not apply retroactively. HRS §1-3 provides that "[N]o law has any retrospective operation, unless otherwise expressed or obviously intended." For those adoptees in the second and third classes there are different hurdles to overcome in order to obtain their records. HRS §578-15.

Current law places an undue burden on adoptees born after 1945 in obtaining access to their adoption records and denies them the right to life, liberty and the pursuit of happiness guaranteed under Art. I, Sec. 2 and equal protection of the law and the enjoyment of civil rights guaranteed under Art. I, Sec. 5 of the Hawai'i Constitution. I cannot think of a more basic human and civil right than the right to know one's own birth heritage.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2153 on Mar 2, 2016 10:01AM
Date: Saturday, February 27, 2016 4:12:31 PM

SB2153

Submitted on: 2/27/2016

Testimony for JDL on Mar 2, 2016 10:01AM in Conference Room 016

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

Comments: My husband and I have been supporting the adoption bills since Senator Gabbard introduced the first bill a couple of years ago. To see it this far is incredible. We have been searching so very long to find his birth family and unfortunately his mother died in 2007. He found out through the intermediary that he has a brother, step-father and also an aunt still alive and this June we are coming to Honolulu, where he was born, to meet them all. The family has been amazing and has sent him pictures of his mother and even shared a video with him, just so he could hear his mother's voice! I feel so bad for him though. He has this emptiness inside him that may never go away and I am sure there will be some emotional times when he meets his brother for the first. I, personally, want to thank you for passing the previous bills and we are hoping and praying that this final bill will open the way for all adoptees 18 and older to find their families before they are gone. Please pass Bill SB 2153 and make a difference in all the adoptees lives! Thank you so much! Patty Guillemette (wife of James Sugimoto-born 10/27/1951 in Honolulu, Hawaii to Agnes Sugimoto)

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March 2, 2016, 10:01 am, Conference Room 016, Chamber level

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

FR: Rhonda McCormick
Adoption Circle of Hawaii, Birthmother

RE: SB 2153
Relating to Adoption Records
Adoption Records; Open Access

I am submitting testimony in SUPPORT of SB 2153, as written, without any changes.

I am a birthmother, and I strongly support the right of adult adopted individuals, who have attained 18 years of age, to gain access to their sealed adoption records, if they wish to do so.

I reconnected with my child in 1982. 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 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 truly believe that adopted persons have the right to know about their medical history and family heritage. And meeting family members is an important part of healing for everyone.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB2153 on Mar 2, 2016 10:01AM
Date: Saturday, February 27, 2016 11:27:22 AM

SB2153

Submitted on: 2/27/2016

Testimony for JDL on Mar 2, 2016 10:01AM in Conference Room 016

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| sally kaye | Individual | Support | No |

Comments: As an adoptee who was forced to filed a petition in Family Court in Pennsylvania to search for my birth parents, I fully support this measure. To this day I have not had access to my bio-families' medical history, and therefore cannot know my own medical history, nor inform my son of his. This is a step in the right direction.

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DATE: March 2, 2016, 10:00 a.m. RM 016, Chamber level

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

FR: Sara Berg
Adoption Circle of Hawaii
Adoptee

RE: SB 2153
Relating to Adoption Records

I support SB 2153.

I was born and adopted in 1988 through the LDS Church. I have suffered major health problems and chronic illness for most of my life. My adoptive parents were not provided, nor were they able to access, any health information for me. I have been searching for my information and birthmother since 2006 after turning 18. The LDS Church denies having these records and does not provide any information.

In 2010, my illness worsened and I ended up becoming disabled in 2012. I still have no leads or information as to my family medical history and do believe that having access to this may have helped prevent such a debilitating disease, and will certainly help in understanding how to manage it now that it has progressed.

I also have a son, therefore I feel it is vital that I, and people such as myself, have access to this type of information, for our own well-being and that of future generations.

I had hope crushed in 2011 when I learned that adoption records were only opened for those born after 1990. I feel I should be treated the same and have the same access as someone born only a few years later than I.

As all member of this adoption Triad are adults, I do not feel there should be a need for such secrecy or anonymity, especially if this information could help to improve quality of life and/or save future generations the devastation of chronic illness.

I do appreciate the time spent reading my testimony.

Sara Berg

To: Hawaii Senate Committee on Judiciary and Labor:

From: Shea Grimm

(808) 217-3209

Re: Testimony in Support of SB 2153

Hearing: March 2, 2016 at 10:01am

I respectfully submit this testimony in support of SB 2153. While I intend to appear in person at the hearing on March 2, 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 Alabama, New Hampshire and Rhode Island.

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, SB 2153 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 SB 2153 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. SB 2153 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 SB 2153. 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 would like to address just one concern I have with respect to SB 2153. While it allows the adoptee access to their court file, it does not specifically provide access to the original birth

certificate through the Department of Health. I am advised that usually, but not always, that the original birth certificate is contained in that court file. However, to more completely address the inequality present under current Hawaii law with respect to adoptees, and to avoid any potential conflicts between the two statutes, I request that SB 2153 be amended to add an amendment to HRS 338-20(e) to the effect that “The sealed documents may be opened by the department only by an order of a court of record, or upon request by an adult adoptee age 18 years of age or older, or when requested in accordance with section 578-14.5 or 578-15”. In the alternative, as the present bill provides access by the natural parent to the original birth certificate which presently reads “Upon request by a natural parent for a copy of the original birth certificate”, a simple insertion in that provision to the effect that “Upon request by a natural parent or adult adoptee age 18 years of older for a copy of the original birth certificate.”

I therefore respectfully request that you pass SB 2153 as written except for the addition of the proposed amendment specifically concerning original birth certificates as set forth above, open our records to us, the people to whom they inarguably most intimately pertain, restore to us our dignity and equality.

Shea Grimm

Date: March 2, 2016

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

From: Mr. Stanley Toma
Los Alamitos, California 90720

Re: S.B. No. 2153
Relating to Adoption Records

I am submitting testimony in SUPPORT of S.B. No.2153.

My name is Stanley Toma and I was born in Honolulu, Hawaii in 1934 and was adopted in the same year. It is requested that you urgently pass Bill (SB2153) to enable access to sealed birth records for not only myself but other adoptees seeking vital information.

I am 82 years old and have been on a life-long searching mission to understand who my birth parents were. Although I was raised by loving adopted parents, I have always wondered who my birth parents were, to verify my suspected ethnicity and any information regarding my adoption. By passing this Bill perhaps I could obtain pertinent information available through other search engines.

I have had a difficult time over the years tracing my birth parents. Through the generous assistance of Adoption Circle of Hawaii (ACH), I was finally able to identify my birth mother. This information enabled me to locate some of my birth mother's family. Unfortunately however, by the time I received this information, my birth mother passed away.

As for my birth father, to date I have been unsuccessful in finding out who he is. As a result, my search is only half complete and fruitless. It is imperative that this path through the successful passing of SB 2153 be completed so that my family will know their roots and that this information can be passed down to future generations.

In addition, from a personal standpoint, it would give me great satisfaction to know who my birth father was. Please give your utmost consideration in passing this Bill as it would benefit myself and many adoptees from Hawaii.

Mahalo nui loa,
Stanley Toma