

HB

792

COMMITTEE REPORT

HOUSE

(9)

FURTHER:

2/18/80

Date: _____

Mr. Speaker:

The Committee on JUDICIARY has had HB 792

"An Act relating to access to adoption records; and providing for an effective date."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 792 same title
 new title
- and recommends Do Pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING

DO PASS

(P) 0008 1000 Do Pass

[Signature]

[Signature]

[Signature]

[Signature]

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MEMBERS HAVING

OTHER RECOMMENDATIONS:

[Signature]

CHAIRMAN

members files

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 99811

March 11, 1980

Document# 24-80

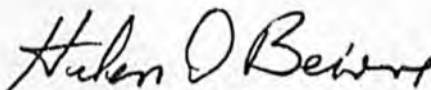
The Honorable Charles H. Parr
Chairman, House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Parr:

Enclosed please find the information you requested regarding modification of the Alaska statutes to permit subsidies to be paid to families that have privately adopted a hard-to-place child and to cover certain medical expenses for that might be a barrier to placement of such children. A budget for the program modification is enclosed.

Thank you for your interest in this program. If the department can be of further assistance to you, please do not hesitate to contact me at 465-3030.

Sincerely,



Helen D. Beirne
Commissioner

Enclosures

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No.
 Title "An Act providing for adoption assistance"
 Requested by Charles H. Parr, Chairman, House Judiciary Comm. Date 3/11/80

II. FISCAL DETAIL

Department of Health and Social Sevcies
 Agency Affected Social Services
 Program Category Affected Program Services, Foster Care
 BRU, Program, or Subprogram(s) Affected Program Services, Foster Care
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		100.3				
TOTAL		100.3				

FUNDING (Thousands of Dollars)

GENERAL FUND		100.3				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		0				
PART TIME		0				
TEMPORARY		0				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill would modify the statutes to permit subsidies to be paid to families that have privately adopted a hard-to-place child and to cover certain medical expenses that might be a barrier to placement of such children. This Fiscal Note is based upon the following assumptions:

1. That 10 hard-to-place children will be adopted privately; that the estimated average cost will be consistent with the estimated average daily cost for a child in foster care; and that \$50,260.50 will be required for the subsidies (10 children x \$13.77 a day x 365 days).
2. That the children will be in need of extensive medical, dental and possibly psychological or psychiatric treatment, which will not be covered by medical insurance coverage. Estimated costs are \$50,000.00 (10 children x \$5,000 each).

No projections for future years has been attempted since there is no experience upon which to base such estimates.

Original: Legislative Finance Prepared by: John Pugh, Act. DiBate: 3/11/80
 cc: Budget and Management Division/Office: Social Services PH:465-3170
 Prime Sponsor (First Legislator Named) Department of Health & Social Services



Alaska State Legislature

House of Representatives

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: May 6, 1980

RE: Request for CS

Please provide the House Judiciary Committee with a CS for HB 792 that accomplishes the Committee intent as expressed in the attached mark-up.

Thank you.

Original sponsor: Gardiner

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 792

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

adoption assistance and for

6 For an Act entitled: "An Act ~~relating to adoption, and providing for~~ an *for*
7 *immediate* effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. LEGISLATIVE DETERMINATION. The legislature determines that
10 information on the original birth certificate of a person subsequently
11 adopted and for whom a new birth certificate is issued is protected from
12 disclosure under art. 1, sec. 22 of the state constitution and may not be
13 disclosed except under the provisions of state law.

14 * Sec. 2. AS 18.50.220(b)(1) is amended to read:

15 (1) thereafter, the original certificate and the evidence of
16 adoption or legitimation are not subject to inspection except upon order
17 of the superior court or as provided under AS 18.50.310, 18.50.311, and
18 18.50.362 [BY REGULATION; ~~HOWEVER, THE REGULATION SHALL ALLOW INSPECTION~~
19 BY AN AGENT OF THE STATE OR FEDERAL GOVERNMENT ACTING IN THE PERFORMANCE
20 OF HIS OFFICIAL DUTIES];

21 * Sec. 3. AS 18.50.310 is amended by adding new subsections to read:

22 (f) If neither biological parent has filed an unrevoked affidavit
23 with the state registrar stating that the information on the original
24 certificate of birth may be disclosed, information may be disclosed only
25 if the person files a petition with the superior court for disclosure of
26 the original certificate of birth. The court shall consider the
27 petition under AS 18.50.311.

28 (g) If the person has reached the age of majority and both
29 biological parents have filed an unrevoked affidavit with the state

1 registrar stating that the information in the original certificate of
2 birth may be disclosed, the state registrar shall release the requested
3 information to the adopted person.

4 (h) If a biological parent identified on the original certificate
5 of birth has filed with the state registrar an affidavit stating that
6 the information on the original certificate of birth should not be
7 disclosed, the state registrar may not disclose the information re-
8 garding that biological parent to the adopted person until the affidavit
9 is revoked.

10 * Sec. 4. AS 18.50 is amended by adding a new section to read:

11 Sec. 18.50.311. JUDICIAL DISCLOSURE. The court may order the
12 state registrar to release information identifying the biological parents
13 of the adopted person on application of the adopted person and on the
14 determination by the court that disclosure of the information would be
15 of greater benefit than nondisclosure.

16 * Sec. 5. AS 18.50 is amended by adding a new section to read:

17 Sec. 18.50.362. INFORMATION FOR BIOLOGICAL PARENT. (a) The
18 commissioner shall provide information to a biological parent relating
19 to his rights and the rights of an adoptive child under AS 18.50.310,
20 18.50.311 and 18.50.362 when the parent is involved in a juvenile pro-
21 ceeding under AS 47.10.080(c)(3) and the commissioner consents to an
22 adoption under AS 47.10.080(d).

23 (b) The commissioner shall provide a biological parent described
24 in (a) of this section with the following information:

25 (1) the right of a biological parent to file a consent to the
26 disclosure of information with the state registrar stating that the
27 information on the original certificate of birth should be disclosed at
28 any time; and

29 (2) the right of the biological parent to file an affidavit

1 stating that the information on the original certificate of birth should
2 not be disclosed.

3 * Sec. 6. AS 18.50.370 is amended by adding new paragraphs to read:

4 (14) "adoptive parent" means a parent who adopted a person;

5 (15) "biological parent" means a birth parent of the adopted
6 person who is listed on the original certificate of birth of an adopted
7 person which is not subject to inspection;

8 (16) "commissioner" means the commissioner of health and
9 social services.

10 * Sec. 7. AS 20.15.060 is amended by adding a new subsection to read:

11 (c) If the consent is executed in the presence of the court, the
12 court shall advise the person who is executing the consent, if he is a
13 biological parent as defined in AS 18.50.370(15), of

14 (1) the right of the biological parent to file a consent to
15 the disclosure of information with the state registrar stating that the
16 information on the original certificate of birth may be disclosed at any
17 time; and

18 (2) the right of the biological parent to file an affidavit
19 stating that the information on the original certificate of birth should
20 not be disclosed.

21 * Sec. 8. AS 20.15.180 is amended by adding a new subsection to read:

22 (h) A representative of an agency taking custody of the child,
23 whether the agency is inside or outside the state or a court whether
24 inside or outside the state shall advise the person who is executing the
25 consent, if he is a biological parent as defined in AS 18.50.370(15), of

26 (1) the right of the biological parent to file a consent to
27 the disclosure of information with the state registrar stating that the
28 information on the original certificate of birth may be disclosed at any
29 time; and

1 (2) the right of the biological parent to file an affidavit
2 stating that the information on the original certificate of birth should
3 should not be disclosed.

4 * Sec. ~~2~~¹ AS 20.15.190 is amended to read:

5 Sec. 20.15.190. ADOPTION ASSISTANCE. A hard-to-place child in the
6 permanent custody of the department in a foster home [FOR NOT LESS THAN
7 ONE YEAR] may not be denied the opportunity for adoption [A PERMANENT
8 HOME] if the adoption [ACHIEVEMENT OF THIS] depends on continued subsidy
9 by the state.

10 * Sec. ~~10~~² AS 20.15.190 is amended by adding new subsections to read:

11 (b) A hard-to-place child adopted independently or through a
12 private agency may be granted a subsidy or medical assistance by the
13 state if the department determines that the child was hard to place and
14 the need for assistance exists.

15 (c) The department shall establish application procedures and
16 eligibility standards under regulations adopted under the Administrative
17 Procedure Act (AS 44.62) to implement this section.

18 * Sec. ~~11~~³ AS 20.15 is amended by adding a new section to read:

19 Sec. 20.15.220. AMOUNT AND DURATION OF MEDICAL ASSISTANCE. The
20 amount of assistance for medical services and length of time for which a
21 hard-to-place child is granted assistance are left to the discretion of
22 the commissioner and may vary from a small sum to an amount no greater
23 than the reimbursement level for service under AS 47.07.010 - 47.07.080.
24 Payments shall be made to vendors of services. A hard-to-place child
25 determined eligible by the department may be eligible for assistance
26 until the child reaches the age of majority if the need continues to
27 exist.

28 * ~~Sec. 12. Sections 9 - 13 of this Act take effect July 1, 1980.~~

29 * ~~Sec. 13. Sections 1 - 8 of this Act take effect January 1, 1981.~~ } delete

Sec. 4. This Act takes effect immediately in accordance with AS 01.10.070 CSHB 792

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 99811

March 11, 1980

Document# 24-80

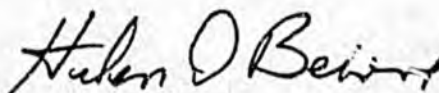
The Honorable Charles H. Parr
Chairman, House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Parr:

Enclosed please find the information you requested regarding modification of the Alaska statutes to permit subsidies to be paid to families that have privately adopted a hard-to-place child and to cover certain medical expenses for that might be a barrier to placement of such children. A budget for the program modification is enclosed.

Thank you for your interest in this program. If the department can be of further assistance to you, please do not hesitate to contact me at 465-3030.

Sincerely,



Helen D. Beirne
Commissioner

Enclosures

reproactive?

4/1/80 cont

~~8-20 people
state of affairs
publicity~~

Thomas -

- present FOI law prevents from keeping complaints confidential
- favors confidentiality until go to hearing

Soldotna

Tom Harvey -

- no info available in Soldotna
- janitorial service - resp to customers
- wants employers free to hire as they choose

Dillingham

Kary Sersos -

- need office in Dillingham

Mark Beltz -

Don White -

- why pro-gays appointed to HRC

4/2/80

Muse -

- no chance of OK office.
- \$350 per case - standard

Rome

Johnson -

- villages don't know about HRC

Carr - Lundfelt - Asst Director

- 2 full-time investigators - need 3 (min)

- 1 intake officer

- 180-day target for case, 120 days if get budget

Charles Williams - Black Caucus

- abysmal job in black communities
- HRC laws on marital status
- need fill position in Fbks

Charles Williams (cont)

- against SB 575
- case filed with EEOC took 6 months to receive acknowledgment
- would like systemic

Gail Vick - TCC

- no go to EEOC
- fill vacancy

Car - Lundfelt - Bachman said start re-furbishing camps in 1981.

Carol Smith (member HRC)

- EEOC average 684 days on Ak cases

Penny Ladd - women's issues

- require notice in contracts of ~~how to~~ ^{rights, how} to complain, etc

Joan Justice - female minority

- HRC serves business owners + public figures -

Sandra Schnabel -

- 2 cases filed w/ HRC
- time causes problem - risk to potential employer
- need more people

4/3/80

Andy Ebona -

- backlog can be attributed to lack of funding
- HRC officers Jurnan + Ketchikan
- Commission - Ak Native members?
- need more info about HRC so people know how to file cases - esp rural cases

4/3/80

Ebona (cont) -

- longer time w/ Fed. than HRC
-

Bob Cooksey - NEA

- favors continuation, EEOC not answer
- maybe because of attitude toward Fed govt
- has been helpful to teachers, lawsuit would have been expensive

Mary Alice McKean - attorney

- against transfer to EEOC. Backlog will get worse, complaints wouldn't be made.
- not consistent w/ general attitude of state running its own affairs -
- advantages to permanent offices here

John Gonzalez - Chairman HRC

Karen Robinson - Network Domestic Violence - Sexual Assault

- favors continuation HRC

Bruce Horowitz - See Juneau HRC

- HRC rep meets with them
- HRC better time wise than EEOC
- " cheaper if SD court time
- Ak law broader than Fed law, eg age dis.
-

Jim Dalton - ^{staff} member of HRC in early 1970's

- charge filed in May 78 not yet resolved, feels due to lack of staff & money
- O'Connell questions why not use private attorney

Mary M^cClinton - no answers but opinions
- investigations are expensive
- not in favor of EEOC transfer
- doesn't believe local govt will do it

Janet Bradley -

- Director, sec, investigator, intake officer, four positions authorized but only three funded
- had 35 invest. Off ^{Dec} Jan 78, senior investigator left. Dec 79 had 89 cases.
- FY 80 budget \$800 travel budget, although 1/3 cases filed from outside Juneau.
- Travel fund cut kept Niel T. from coming to Juneau, she has to do admin jobs of govt
- 98 case load now -
- 1975 load of pipeline cases, number were closed because complainants ~~lost~~ gone out of state, lost contact with.
- now using "rapid-charge" system, get about 40% settlement at conference.

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 792
 Title "An Act providing for adoption assistance"
 Requested by Charles H. Parr, Chairman, House Judiciary Comm. Date 3/11/80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Seviles
 Program Category Affected Social Services
 BRU, Program, or Subprogram(s) Affected Program Services, Foster Care
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		100.3				
TOTAL		100.3				

FUNDING (Thousands of Dollars)

GENERAL FUND		100.3				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		0				
PART TIME		0				
TEMPORARY		0				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill would modify the statutes to permit subsidies to be paid to families that have privately adopted a hard-to-place child and to cover certain medical expenses that might be a barrier to placement of such children. This Fiscal Note is based upon the following assumptions:

1. That 10 hard-to-place children will be adopted privately; that the estimated average cost will be consistent with the estimated average daily cost for a child in foster care; and that \$50,260.50 will be required for the subsidies (10 children x \$13.77 a day x 365 days).
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No projections for future years has been attempted since there is no experience upon which to base such estimates.

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Prepared by: John Pugh, Act. DiBate Date: 3/11/80
 Division/Office: Social Services PH: 465-3170
 Department of Health & Social Services

POSITION PAPER
ON
HOUSE BILL NO. 792

"An Act relating to access to adoption records; and providing for an effective date."

The current practice regarding access to adoption records in Alaska is that an adopted person of legal age can view his original birth certificate upon application to the State Registrar of Vital Records. This practice is allowed by 7 AAC 05.730 and is by authority of AS 18.50.220 and AS 25.20.050. The State Registrar suggests to those adopted, to biological parents, and to natural brothers and sisters that letters of interest in making contact may be placed in the sealed file. When interest is expressed by the parties involved the State Registrar assists in facilitating contact.

House Bill 792 provides for an adopted person to apply for his original birth certificate and sets up a rather cumbersome system of notification of biological parents to give them the option to object to the disclosure. Such a system requires the Bureau of Vital Statistics, or an adoption agency, to attempt to contact the biological parents without using the mails; presumably, in person, or by telephone. This notification process could be quite burdensome to the Bureau of Vital Statistics and/or adoption agencies, requiring additional manpower to handle request, the number of which is impossible to determine. However, the experience of states and countries who have opened adoptive records indicates that there has not been a great rush by persons to find their parents; simply having the original birth certificate to look at is often enough. Thus, the requirements of notification in House Bill 792 do not appear warranted. No mail contact with the biological parents may be made so efforts of the State Registrar would have to be in person or by telephone. To some biological parents such a contact 18 or more years after deciding to give up a child could be upsetting, create family conflict or be considered an invasion of privacy. Many adoptions are of illegitimate children. The bureau has numerous experiences where a mother has named two fathers because of uncertainty on her part about true facts.

Close to 700 adoptions occur each year in Alaska, of which 500 or more are handled privately and not through the two certified adoption agencies. Therefore the majority of requests will have to be filled by obtaining the required information from the biological parents unless attorneys and doctors will open their files to the State Registrar. About 30 percent of children adopted in Alaska are from other states and another 6 percent are alien born. Having only the report of adoption and no authority to obtain information from out-of-state agencies would prevent about 40 percent of persons adopted in Alaska from benefiting from the provisions of this bill.

Adoptive parents go through much in the way of waiting, paper work, expense and anxiety in adopting a child. While the child at 18 has the right to see his original birth certificate, the reasons for his placement for adoption may be very

sensitive such as cases of rape or incest. The bill also calls for health histories on blood relatives. Not all blood relatives are aware of an adoption yet their medical history could be provided without consent.

If a biological parent, who has refused release of information, dies in another state we would not know about it and therefore, under the provision of 18.50.550 the adoptee could not petition the court for review.

Under 18.50.600, Definitions, the following change is suggested:

An "Adoptive parent" means a parent who adopted a person through legal petition to the court.

This change is suggested because there can be instances in which a biological father who is not married to the biological mother later adopts the person after marrying the mother.

The Department would also call attention to the Model State Adoption Act, which has recently been printed in the Federal Register for Friday, February 15, 1980 (Part V). This model act was developed by a panel of nationwide experts after considerable study of all the current issues in the adoption field. Section 502 of the Model Act addresses the issue of access to birth certificates by adult adoptees.

This bill, if passed, would not address nearly three-fourths of the adoptees because it does not require attorneys and doctors to open and make available their files.

This department recommends that HB 792 not be passed.

Recommended by: Joan P. Brooks 4/11/80
Joan P. Brooks
State Registrar
Office of Information Systems
(Date)

Recommended by: John Pugh 4/11/80
John Pugh
Acting Director
Division of Social Services
(Date)

Approved by: Helen D. Beirne 4-11-80
Helen D. Beirne
Commissioner
Department of Health &
Social Services
(Date)

THE LEGISLATURE OF THE STATE OF ALASKA
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HOUSE BILL NO. 792
 Title "An Act Relating to Access to Adoption Records"
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Vital Statistics
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES		17.2	36.7			
200 TRAVEL		10.0	21.0			
300 CONTRACTUAL		3.5	4.0			
400 COMMODITIES		.5	1.0			
500 EQUIPMENT		2.0	.5			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		33.7	63.2			

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND		33.7	63.2			
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME		1	1			
PART TIME		-0-	-0-			
TEMPORARY		-0-	-0-			

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

A. Assumptions

1. Investigator funded for 2nd half of FY1981
2. Investigator position budgeted for 12 months in FY1982
3. 7% inflation factor added for FY1982

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Prepared by: Acad. P. Bunker 3/6/80
 Division/Office: Vital Statistics PH: 465-3393
 Department of Health & Social Services

Approval DHSS Mgt. & Bdgt: P. Bunker Date: 3-10-80

TITLE: An Act Relating to Access to Adoption Records.

III Analysis (Continuation)

B. Program Summary

New Position

<u>Title</u>	<u>Salary</u>	<u>Benefits</u>	<u>Related Costs</u>	<u>Total</u>
Investigator	13.8	3.4	16.5	33.7

HOUSE BILL NO. 792
Relating To Access To Adoption Records

—
Testimony
to
Judiciary Committee
Alaska House of Representatives

April 16, 1980

Presented on behalf of
Catholic Social Services, Inc.

by

Sister Mary Clare Ciulla, A.C.S.W., Director
Catholic Social Services
Anchorage, Alaska

Catholic Social Services supports the concept of House Bill 792 regarding access to adoption records. Three important interests must be considered when releasing confidential information. These are the interests of the natural parents, the child and the adoptive parents.

Natural Parents

The natural parents have right to strict confidentiality of their identity. Under current law and regulation, AS 18.50.220 and 7 AAC 05.730, a child upon reaching 18 may see the original birth certificate without the natural parents' consent. This is inconsistent with the requirement of the confidentiality principle contained in the adoption statute, AS 20.15.150, and in Section 301 of the Indian Child Welfare Act. We believe that no identifying information should be disclosed over the objection of the person identified. Since the natural parents and the adopted child are legally strangers to each other we believe that disclosure of government information identifying the parent without consent violates that parent's right of privacy guaranteed by Article

2.

I, Section 22 of the Alaska Constitution. The affidavit system created by HB 792 appears to satisfy this requirement.

Adopted Child

The child has the right, in our opinion, to all non-identifying information. It is our practice to provide such information to the adoptive parents at the very beginning. As long as the rights of the natural parents are not overridden, there is also a right to identifying information. HB 792 appears to strike the correct balance between competing rights.

Adoptive Parents

The adoptive parents should have the right to raise the child without any fear of the reappearance of the natural parents. Therefore, we believe that no identifying information should be released,

3.

even with consent, until the child reaches the age of majority. HB 792 follows this principle.

As a technical matter, AS 18.50.220 and 20.15.150 should be conformed if HB 792 is to pass. In addition, the Committee should consider limiting the non-identifying information contained in Sec. 18.50.570 in cases where the information may be harmful. For example, young children can be abused prior to adoption. Time, care and professional treatment can wipe out the memory of this abuse. It should not be rekindled by the release of information relating to the problem.

In conclusion, we are in favor of the thrust of HB 792. The current practice contained in 7 AAC 05.730 is wrong and perhaps unconstitutional. We urge passage of legislation along the lines of HB 792.

TO: REPRESENTATIVE PARR

FROM: JAMIE ROBINSON, 7129 SHOORESIN CIRCLE, ANC.99504 337-6735

MY FAMILY AND I STRONGLY SUPPORT THE TWO ADOPTION BILLS THAT ARE COMING UP ON APRIL 16.

#####

Re: HB 792 - adoption records disclosure

Suggested improvements to HB 792
(which I heartily support).

1) Insert a new subpara. (11) into Sec. 18.50.570:

"(11) For each biological parent, any hereditary diseases present ~~to~~ in the family"

Example: sex-linked diseases such as hemophilia must be known to be dealt with, and might not be disclosed under (10).

[then renumber existing subpara's (11) & (12) to (12) & (13)]

2) Provide for the records to be given to the person (adopted person) so that person can make his/her own search, if after a specified time limit the state agency has been unable to locate either biological parent.

The adopted person has more time and motivation, and may often succeed where a staff-limited state agency has failed.

The rights of the biological child to seek the biological parents should outweigh the instances where biol parents prefer privacy. (I speak from the personal experience of being a biological parent, delighted to have the child find me 22 years later,

and note the biological parent
is unable to get records disclosure
to seek the adopted person.)

Elizabeth Cuadra

office: 586.3340

*Copies to members
pockets*



Alaska State Legislature House of Representatives

M E M O R A N D U M

POUCH V
JUNEAU, ALASKA 99811
OFFICIAL BUSINESS

To: Representative Charlie Parr
Chairman, House Judiciary Committee

From: Representative Terry Gardiner *TG*

Date: February 29, 1980

Re: HB 792, An Act relating to adoption records, and
providing for an effective date.
Sponsor: Gardiner

Linda Cuadra brought the attached amendment to my office;
I would ask the House Judiciary's consideration of the amend-
ment.

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER ~~3100~~ 3100

DEPARTMENT House Judiciary

ATTENTION Richard Adingue

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

FROM:
MAIL STATION NUMBER 0600

DEPARTMENT H+SS APR 25 1980

BY D. Rebel DATE _____

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

file copy
JAY S. HAMMOND, GOVERNOR

POUCH H 81 - JUNEAU 99811

APR 25 1980

Wes Coyner
Blue Cross of Washington
and Alaska
Juneau, Alaska 99801

Dear Wes:

I need to request your assistance in obtaining cost figures for providing health insurance to the attached list of children in the Department's supervision. As we discussed, some of the children need special medical or dental services, such as orthodontia, that we would want to include in the child's health insurance policy. The Department also wishes to make the deductible as low as possible to encourage low income persons to adopt these special needs of children. Coverage would continue for the child until he or she reaches the age of majority.

We also have specific questions concerning insurance for this group:

1. Can a group policy be formed for these individuals?
2. Can insurance be purchased by the State for the children on a monthly, quarterly, or annual basis?

I appreciate your assistance in this matter.

Sincerely,

Deborah Behr

Deborah Behr
Special Assistant
to the Commissioner

To: Judiciary Committee
c/o Charles Parr

RE HB 682

Attached please note a copy of the minutes for LTV of Anchorage who served as moderator for a meeting on adoption on Dec. 8, 1979 at U. of A.

I attended that meeting at take exception with "Pudge" Kleinbaum's article published in the Daily News in early April.

There were indeed three resolutions to come from that meeting. None of them suggested that private adoptions should be outlawed.

Although Mrs Kleinbaum tried very hard to pass this resolution there was not enough support for it. In fact the state social workers were the only ones who pushed for it. Most others seemed to feel private adoptions fill a need in this state. On close examination

Ms. Kleinkauf's arguments are too shallow to warrant changes in the present laws allowing private adoptions in Alaska.

Horror stories about adoptions don't begin to tell the whole story on adoptions. They only create sensationalism.

Please consider this question carefully. It will be a sad day in Alaska if private adoptions are not possible. And many children will be left a state burden instead of a happy child with a family of its own.

Sincerely

Janet A. Boylan
409 E. 23

Anchorage, Alaska

99503

Sandy Stringer / Rep. Parr's Office

April 18, 1980

Page 1 of 3

Dear Mr. Stringer,

Private adoptions fill a need in this state and should not be outlawed.

1) Black market operations in this state seem to be all but non-existent. Besides black marketers disregard the law regardless.

2) Babies adopted privately do not create a financial burden for the state.

3) Babies adopted privately are born in their adoptive homes when released from the hospital. Agency adoptions require a 10 day waiting period. Adoptive parents realize this first 2 weeks is a period in which the biological parents may change their mind. If adoptive parents are willing to take this chance it is not the state's right to interfere.

4) There is not any statistical evidence to prove that agency adoptions produce results superior to private adoptions.

5) The general population has been made well aware of the fact that covering

is available for anyone desiring consulting on any matter. Doctors and Attorneys are people who have flaws like anyone else. However most do not encourage someone to do anything they have not already decided on doing.

1) Some provision should be made so that records of adoptions are kept on the state level for future reference by adoptees. Doctors and attorneys could send records to the state. Or the court could handle records in the locality where the adoption is finalized.

2) People who marry later in life and find themselves unable to bear children may not have 5-10 years to wait in line at an adoption agency. Doctors or churches can aid these couples in adopting babies.

3) The present adoption laws do not appear to be creating problems in this state. When something works - leave it alone.

Stringer

Ms. Kleinbaum seems to be the person pushing for changes in the adoption laws. Her experience with adoption is entirely second-hand, and her "facts" seem to get twisted according to the degree of her commitment!

Please note what she claims come from the meeting on adoption at Uga on December 8, 1979. Then compare that to minutes from the meeting by the League of Women Voters.

Thank you for your time. I appreciate any help you can give to help keep private adoptions possible in our great state.

Sincerely,

Janet A. Bayler

409 E. 23

Anchorage, Alaska

99503

Judiciary Cmte / Stringer Trying to shed some

By CECILIA KLEINKAUF

The secrecy with which our society has cloaked adoption in modern times, is presently undergoing significant re-examination across the country.

Socially, legally and psychologically we are questioning whether such mystery adequately serves the full range of needs and rights of all parties involved in the adoption

and racial heritage and a belief that Indian children — even though adopted — had a right to participation in their tribe prompted passage of the Indian Child Welfare Act by Congress in 1978. This act gives Indian adoptees 18 years of age or older access to information about the tribal affiliation of their biological parents. This legislation provides that in the future, unless biological parents sign an affidavit which stipulates that their identity remain confidential, their names will be released to the adoptee after age 18, to the tribe or even to the adoptive or foster parent.

On the state level Minnesota, Connecticut and North Dakota have already passed legislation to "open" their adoption records, and many other states (prompted by the Indian Child Welfare Act) had legislation on adoption pending in 1979.

The dilemma of conflicting "rights" is having its effect on the content of such laws. There is:

- The "right" of the adoptee to know his origins;
- The "right" of the biological parents to the confidentiality promised at the time of the release of the child;
- The "right" of the adoptive parents to maintain the adoptive parent-child relationship free from interference by the biological parent.

Generally the new laws provide for increased access to information by adult adoptees in two categories — first, identifying information (names and birthdates) and second, non-identifying information (genetics, racial background, siblings medical and educational history, etc.). The new laws are attempting to balance rights by removing the requirement of a court order for access to non-identifying information, but requiring written consent for the release of identifying information about any of the parties.

While this approach does not entirely satisfy adoptees who argue

that denying them access to the names of their biological parents constitutes a form of discrimination practiced against no other group, it does represent an improvement over today's law.

At the request of the Alaska Chapter of the National Association of Social Workers, the legislature will be considering amendments to Alaska's adoption laws this year, one aspect of which will be "opening" adoption records.

The bill seeks to amend present adoption laws to delete the requirement of a court order for the release of non-identifying information to an adult adoptee over 18 years of age.

The kinds of information which could be released will center around racial-ethnic heritage, medical-genetic information and educational information about the biological parents. The second area of adoption laws which will be addressed by the bill is that of "private" adoption. The bill would require that adoptions in Alaska be done by either a licensed adoption agency or the state service office, except for adoptions by relatives or step-parents.

Such a requirement is necessary to guard against potential abuses, such as "black market" adoptions.

Anticipating this legislation, a public issues discussion on adoption in Alaska was sponsored by the Alaska chapter of the National Association of Social Workers, the Anchorage League of Women Voters and the Social Work Department at the University of Alaska, Anchorage in December, 1978. Three resolutions were approved, supporting: The opening of adoption records to provide for access to non-identifying information;

The requirement of consent for the release of identifying information about any party to an adoption;

Limiting adoptions to licensed adoption agencies or the state (except for step-parent or relative adoptions).

An interesting quirk in law has resulted in conflicting statutes regarding release of identifying information. Adoption laws require information about an individual's vital statistics statute release of the original file to an adult adoptee. A discrepancy remains to be resolved to provide for a non-identifying information.

The social work department surveyed those in discussion on opinions changes in the law, and also attempting to gain opinion. We are, therefore, the brief questions that was distributed at and asking the Daily.

HUMAN RESOURCES

The Adoption Issues Forum held on December 8 at the University of Alaska was a very enlightening project. Sponsored by UAW of Anchorage, the National Association of Social Workers, and the University of Alaska, the forum produced questions about, and insight into, Alaska's current status on adoption.

Guest panelists were Marjorie Bell, Probate Court Master of the Third Judicial District, Ed Wolfe, attorney from Alaska Legal Services in Kotzebue, and Melody Jameson of Fairbanks Counseling and Adoptions (formerly Catholic Community Services). The three discussed adoptions from their roles and provided expertise as resource persons.

Ronnie Esch, a social worker as well as an adoptee, presented a videotape of a Minnesota agency's practices in implementing their State law allowing adoptees over age 21 to research their birth background if both parents agree. Her personal experience was positive and intense, and utilized agency counseling services for all three parties involved.

Small groups were formed to discuss issues based on the understanding that each adoption is a contract involving three parties, including birth parents, adoptees, and adoptive parents. Groups included all three, plus agency representatives, attorneys, students, and interested citizens. Senators Arliss Sturgulewski and Terry Stinson were also group participants.

General consensus included concerns that rights of all three adoption parties must be regarded in order to have adequate adoption standards. Unanimous agreement was reached on the following:

1. That additional study be made into "open" adoption records in the State of Alaska.
2. That some means of information exchange be made possible between birth parents, adoptees, and adoptive parents.
3. That present inconsistency between adoption statutes and vital statistics regulations be corrected. (Currently vital statistic reqs allow release of original birth records: adoption law seal them.)

In general, agency roles most often include provision of services to all three parties but in Alaska this is not guaranteed. Although licensing of child-placing agencies has been required since 1955, Alaska as yet has no regulations for its licenses. Alaska allows private adoptions to be transacted between parties who do not use agencies and who are unrelated, but requires home studies following the child placement. Proponents of private adoptions feel the process is faster; those opposed say that the rights of the parties are much harder to protect.

If a family has problems after accepting a child of unknown health and background, there is no agency to intervene or recover custody. Other concerns included questionable legality of a mother's consent to adopt out a child without terminating her rights to the child. Some solutions to these concerns could involve requiring home studies prior to placement of the children. Also, agencies could be required in all adoptions. Both practices exist in other states and could be studied further.

Judiciary Cont./Stringer

Page 3 of 3

The first hand experiences of group members made very real the reasons for looking at these issues. Another who relinquished a child as a teenager withheld information to hasten the adoption and now wishes to make known information to the adoptive family. An adoptee may want to let her birth mother know she made a good decision. An adoptive parent described the feelings she had when her adopted child was a baby compared to now, as her teenaged daughter seeks birth information. A mother trying to share important medical information with an adoption agency in another state has joined a national organization to aid her in eliciting a response from her agency. The obvious need for careful handling and protection of identities when desired as well illustrated; many other issues were brought out.

The small groups were moderated by LW members Hazel Johnson, Karen Koeder, and Marge Freeman. They shared the role with NASW members Mary Lee Nicholson, sponsoring groups, did the major organizing. We appreciate their help and were really stimulated by the session.

League does not have a specific position on adoption, but participated to aid in providing citizen information. More information can be obtained from Marilyn Kerr, Human Resources Chair.

A Reminder.....

The White House Conference on Families will take place in Baltimore, Minneapolis and Los Angeles next summer. Your input is requested now for area hearings scheduled on January 11 in Seattle. Testimony should focus on pressing concerns facing American families today as we go into the 1980's, with any recommended policies, programs and strategies for meeting these concerns. Input is solicited from all types of families and views, rather than just experts and organizations. Your letters may be sent to:

White House Conference on Families
330 Independence Avenue, S.W.
Washington, D.C. 20201

HAPPY 1980!

Marilyn Kerr
Chair, Human Resources Committee

263-725

2 pm 4/13

Sandra - Just received this.
Please advise after you read this.

Joan

SIoux FROM CAROL

FUDGE KLEINKAUF HAS ASKED THAT THE HOUSE JUDICIARY COMMITTEE BE ADVISED THAT SHE WILL HAVE A 20-MINUTE VIDEO CASSETTE TAPE MADE BY A MINNESOTA TV STATION AFTER MINNESOTA OPENED ITS ADOPTION LAWS THAT SHE WOULD BE WILLING TO SHOW TO THE COMMITTEE AT ITS HEARING ON WED. MARCH 16 IF THE COMMITTEE IS WILLING AND IF THERE IS TIME.

BONNIE ESCH IS THE INDIVIDUAL WHO HAS MADE THE 5 MIN. VIDEO CASSETTE TAPE WHICH WE DISCUSSED LAST WEEK. AM I CORRECT IN ASSUMING THAT THERE WERE BE EQUIPMENT AVAILABLE AT THE HEARING TO HANDLE VIDEO CASSETTES? PLS. ACK.

Sandra -
you need to
Call Media Center
and ask that +4
minutes be provided

Video cassette machine

file copy

CHARLIE PARR

ALASKA LEGISLATURE

S. R. Box: 50599
Fairbanks, Alaska 99701
456-5029

Pouch V
Juneau, Alaska 99811
465-3797

Judiciary Committee Members —
Please take a look at the attached.
I'd like you to consider it as an
amendment to one of the adoption
bills today.

Charlie Parr
4/21/80

members files

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

POUCH H 01 - JUNEAU 99811

March 11, 1980

Document# 24-80


The Honorable Charles H. Parr
Chairman, House Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

Dear Mr. Parr:

Enclosed please find the information you requested regarding modification of the Alaska statutes to permit subsidies to be paid to families that have privately adopted a hard-to-place child and to cover certain medical expenses for that might be a barrier to placement of such children. A budget for the program modification is enclosed.

Thank you for your interest in this program. If the department can be of further assistance to you, please do not hesitate to contact me at 465-3030.

Sincerely,



Helen D. Beirne
Commissioner

Enclosures

House Bill _____

For an Act entitled: "An Act providing for adoption assistance; and providing for an effective date."

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

* Section 1. AS 20.15.190 is repealed and reenacted to read:

Sec. 20.15.190. ADOPTION ASSISTANCE. (a) A hard-to-place child in the permanent custody of the department may not be denied the opportunity for a permanent home if the achievement of this depends on continued subsidy or medical assistance by the state.

(b) A child adopted independently or through a private agency may be eligible for subsidy or medical assistance by the state, if the department determines that the child was hard-to-place and the need for assistance exists. The department shall adopt regulations regarding application procedures and eligibility standards.

* Sec. 2. AS 20.15 is amended by adding a new section to read:

Sec. 20.15.220. AMOUNT AND DURATION OF MEDICAL ASSISTANCE. The amount of assistance for medical services and length of time for which a hard-to-place child is granted assistance are left to the discretion of the commissioner and may vary from a small sum to the amount no greater than that reimbursement level for service under AS 47.07.010-.080. Payments shall be made to vendors of services. A hard-to-place child determined eligible by the department may be eligible for assistance until the child reaches the age of majority, if the need continues to exist.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No.
 Title "An Act providing for adoption assistance"
 Requested by Charles H. Parr, Chairman, House Judiciary Comm. Date 3/11/80

II. FISCAL DETAIL

Agency Affected Department of Health and Social Sevice
 Program Category Affected Social Services
 BRU, Program, or Subprogram(s) Affected Program Services, Foster Care
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.		100.3				
TOTAL		100.3				

FUNDING (Thousands of Dollars)

GENERAL FUND		100.3				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME		0				
PART TIME		0				
TEMPORARY		0				

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

This bill would modify the statutes to permit subsidies to be paid to families that have privately adopted a hard-to-place child and to cover certain medical expenses that might be a barrier to placement of such children. This Fiscal Note is based upon the following assumptions:

1. That 10 hard-to-place children will be adopted privately; that the estimated average cost will be consistent with the estimated average daily cost for a child in foster care; and that \$50,260.50 will be required for the subsidies (10 children x \$13.77 a day x 365 days).
2. That the children will be in need of extensive medical, dental and possibly psychological or psychiatric treatment, which will not be covered by medical insurance coverage. Estimated costs are \$50,000.00 (10 children x \$5,000 each).

No projections for future years has been attempted since there is no experience upon which to base such estimates.

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

Prepared by: John Pugh, Act. Dir. Date: 3/11/80
 Division/Office: Social Services PH: 465-3170
 Department of Health & Social Services



Alaska State Legislature

House of Representatives

Committee on Judiciary

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

TO: Legislative Affairs Agency

FROM: Margaret W. Berck, Staff

DATE: April 29, 1980

RE: Request for CS for HB 792.

Please provide the House Judiciary Committee with a CS for HB 792 in final version form that comports with the Committee's intent on the following issues:

1. Insert the statutory changes to AS 20.15.220 Amount and Duration of Medical Assistance as originally requested by the Committee. See attached language. The Committee does not desire to give the Department of Health and Social Services carte blanche authority to adopt regulations on this issue.
2. Sec. 5, page 2. The Committee desires that the information be withheld from an adoptive child who has reached the age of majority if no affidavit has been filed by the biological parent. In this situation the only way the person could get the information is to get a court order to open up the records. If an affidavit has been filed with the registrar consenting to the release of information, the information should be made available to the child only if the child is 18 years of age or older and the original consenting affidavit had not subsequently been revoked by the biological parent before the child turned a major.

Sec. 5 as it reads now, has no age qualification. Furthermore it seems that the information would be disclosed if no affidavit had been filed requesting the information not be disclosed. The Committee desires the reverse of this. If the bill tracks the Committee's desires on this point, subsection (h) should be changed to cover the situation where a biological parent files a consenting affidavit and later revokes that affidavit. The Committee desires that the Court have the authority to release the information regardless of whether the biological parent has revoked a consenting affidavit. Thus subsection (h) should probably be moved to the section 6 which deals with court disclosure and it wouldn't seem to matter whether the parent was dead or alive.

3. Section 6 on page 3 should be amended so that there is no age requirement. The court itself is enough of a safeguard. The Committee wants to empower the court to divulge this information to an adoptive child of any age.

Furthermore delete subsection (b) and (c) of Sec. 6.

4. Section 7 . As the Commissioner is only involved in proceedings under AS 47.10.080, she would not be in a position to notify biological parents under AS 20.15.180 or AS 20.15. Additionally the statutes seem to permit a private cause of action under AS 47.10.080, so even under those proceedings the Commissioner may not be involved. I am familiar with one such action that was filed here in town recently. To solve these problems can't we just require a brief provision providing notice in the relinquish form used in AS 20.15.180 and in the petitions filed under AS 20.15. and AS 47.10.080?

5. Sec. 8, definition of adoptive parent. As a biological parent might later adopt his child, ie the biological father adopting his son born out of wedlock, the Committee desires this definition to be changed. The following is suggested: An adoptive parent means a parent who adopted a person through legal petition to the court.

Call me if you have questions concerning these directions.

obtaining original birth cert.)

House Bill 792

For an Act entitled: "An Act providing for adoption assistance; and providing for an effective date."

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

* Section 1. AS 20.15.190 is repealed and reenacted to read:

Sec. 20.15.190. ADOPTION ASSISTANCE. (a) A hard-to-place child in the permanent custody of the department may not be denied the opportunity for a permanent home if the achievement of this depends on continued subsidy or medical assistance by the state.

(b) A child adopted independently or through a private agency may be eligible for subsidy or medical assistance by the state, if the department determines that the child was hard-to-place and the need for assistance exists. The department shall adopt regulations regarding application procedures and eligibility standards.

* Sec. 2. AS 20.15 is amended by adding a new section to read:

Sec. 20.15.220. AMOUNT AND DURATION OF MEDICAL ASSISTANCE.

The amount of assistance for medical services and length of time for which a hard-to-place child is granted assistance are left to the discretion of the commissioner and may vary from a small sum to the amount no greater than that reimbursement level for service under AS 47.07.010-.080. Payments shall be made to vendors of services. A hard-to-place child determined eligible by the department may be eligible for assistance until the child reaches the age of majority, if the need continues to exist.

* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

Original sponsor: Gardiner

IN THE HOUSE

BY THE JUDICIARY COMMITTEE

CS FOR HOUSE BILL NO. 792

IN THE LEGISLATURE OF THE STATE OF ALASKA

ELEVENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to adoption; and providing for an effective date."

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

Act of privacy

* Section 1. LEGISLATIVE DETERMINATION. The legislature determines that information on the original birth certificate of a person subsequently adopted and for whom a new birth certificate is issued is protected from disclosure under art. 1, sec. 22 of the state constitution and may not be disclosed except under the provisions of state law.

* Sec. 2. AS 20.15.190 is amended to read:

Sec. 20.15.190. ADOPTION ASSISTANCE. A hard-to-place child in the permanent custody of the department in a foster home [FOR NOT LESS THAN ONE YEAR] may not be denied the opportunity for a permanent home if the achievement of this depends on continued subsidy by the state.

* Sec. 3. AS 20.15.190 is amended by adding new subsections to read:

(b) A hard-to-place child adopted independently or through a private agency may be granted a subsidy or medical assistance by the state if the department determines that the child was hard to place and the need for assistance exists.

(c) The department shall establish application procedures and eligibility standards under regulation adopted under the Administrative Procedure Act (AS 44.62) to implement this section.

* Sec. 4. AS 18.50.220(b)(1) is amended to read:

leaves out 20.15.220 funds

(1) thereafter, the original certificate and the evidence of adoption or legitimation are not subject to inspection except upon order

1 of the superior court or as provided under AS 18.50.310, 18.50.311, and
2 18.50.362 [BY REGULATION; HOWEVER, THE REGULATION SHALL ALLOW INSPECTION
3 BY AN AGENT OF THE STATE OR FEDERAL GOVERNMENT ACTING IN THE PERFORMANCE
4 OF HIS OFFICIAL DUTIES];

5 * Sec. 5. AS 18.50.310 is amended by adding new subsections to read:

6 (f) If neither biological parent has filed an unrevoked affidavit
7 with the state registrar stating that the information on the original
8 certificate of birth may not be disclosed, information shall be dis-
9 closed as follows: *if not filed - info disclosed;*

10 (1) If the person was adopted before January 1, 1981, he may
11 petition the superior court for disclosure of the original certificate
12 of birth and the court shall consider the petition under AS 18.50.312.

13 (2) If the person was adopted on or after January 1, 1981,
14 the state registrar shall release the requested information to the
15 adopted person. *no age factor*

16 (g) If a biological parent identified on the original certificate
17 of birth has filed with the state registrar an affidavit stating that
18 the information on the original certificate of birth should not be
19 disclosed, the state registrar may not disclose the information re-
20 garding that biological parent to the adopted person until the affidavit
21 is revoked.

22 (h) If a biological parent named on an original certificate of
23 birth had filed with the state registrar an unrevoked affidavit stating
24 that the information on the original certificate of birth should not be
25 released and that biological parent dies, the adopted person may peti-
26 tion the superior court for disclosure of the original certificate of
27 birth. The court shall grant the petition if, after consideration of
28 the interests of all persons involved, the court determines that dis-
29 closure of the information would be of greater benefit than nondisclo-

sure.

* Sec. 6. AS 18.50 is amended by adding a new section to read:

Sec. 18.50.311. JUDICIAL DISCLOSURE. (a) The court may order the state registrar to release information identifying the biological parents of the adopted person on application of the adopted person who is 18 years of age or older and on the ^{intent - no age} determination by the court that disclosure of the information would be of greater benefit than non-disclosure.

^{notice to parties}
(b) The court may require the ~~state registrar or the child adoption agency to advise the adoptive parents and biological parents of an application for disclosure of identifying information under this section.~~

(c) In making its ~~determination under (a) of this section, the court shall consider the effect of disclosure on the biological parents, the adoptive parents, and the adopted person.~~

* Sec. 7. AS 18.50 is amended by adding a new section to read:

Sec. 18.50.362. INFORMATION FOR BIOLOGICAL PARENT. (a) The commissioner shall provide information to a biological parent relating to his rights and the rights of an adoptive child under AS 18.50.310, 18.50.311 and 18.50.362 when the parent is

(1) relinquishing parental rights under AS 20.15.180;

(2) involved in a juvenile proceeding under AS 47.10.080(c)-
only one report

(3);

(3) releasing a child for adoption under AS 20.15.

(b) The commissioner shall provide a biological parent in the situations described in (a) of this section with the following information:

(1) the right of a biological parent to file a consent to the disclosure of information with the state registrar stating that the

1 information on the original certificate of birth should be disclosed at
2 any time;

3 (2) the right of the biological parent to file an affidavit
4 stating that the information on the original certificate of birth should
5 not be disclosed; and

6 (3) the effect of a failure of a biological parent to file
7 either a consent to disclosure or an affidavit stating that the informa-
8 tion on the original certificate of birth should not be disclosed.

9 * Sec. 8. AS 18.50.370 is amended by adding new paragraphs to read:

10 (14) "adoptive parent" means a parent who adopted a person but
11 who is not the biological parent of the person; *not always*

12 (15) "biological parent" means a birth parent of the adopted
13 person who is listed on the original certificate of birth of an adopted
14 person which is not subject to inspection;

15 (16) "commissioner" means the commissioner of health and
16 social services.

17 * Sec. 9. Sections 2, 3, 9 and 10 of this Act take effect July 1,
18 1980.

19 * Sec. 10. Sections 1 and 4 - 8 of this Act take effect January 1, 1981.
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29

APR 25 1980

Wes Coyner
Blue Cross of Washington
and Alaska
Juneau, Alaska 99801

Dear Wes:

I need to request your assistance in obtaining cost figures for providing health insurance to the attached list of children in the Department's supervision. As we discussed, some of the children need special medical or dental services, such as orthodontia, that we would want to include in the child's health insurance policy. The Department also wishes to make the deductible as low as possible to encourage low income persons to adopt these special needs of children. Coverage would continue for the child until he or she reaches the age of majority.

We also have specific questions concerning insurance for this group:

1. Can a group policy be formed for these individuals?
2. Can insurance be purchased by the State for the children on a monthly, quarterly, or annual basis?

I appreciate your assistance in this matter.

Sincerely,

Deborah Behr
Special Assistant
to the Commissioner

bcc: Sandra Stringer
House Judiciary

Current Children

Receiving Adoption Subsidies

<u>Age</u>	<u>Sex</u>	<u>Special Considerations</u>
14	F	Part of sibling group; no special medical needs; covered by Indian Health Service (Native).
12	F	Part of sibling group; no special medical needs; covered by Indian Health Service (Native).
10	F	Part of sibling group; medical needs - \$2,500 worth of orthodontia needed.
12	F	Part of sibling group; medial needs - \$2,500 worth of orthodontia needed.
5	F	Fetal alcohol syndrome; no unusual medical problems known at this time.
10	M	Moderately retarded; no special medical need.
18	M	Mental health problems; no special medical needs.
16	F	Orthodontia needed; vision problems.
6	F	Down's Syndrome; upper respiratory infections common.

Children in Department's Supervision
that may need Subsidized Health Coverage

<u>Age</u>	<u>Sex</u>	<u>Special Considerations</u>
16	F	Mental health counseling; psychiatric Services
13	F	Mental health counseling
6	F	Psychiatric diagnostic work and counseling
17	F	Multiple handicapped; in wheelchair; partially blind; MR (mentally retarded), hospitalized 3 - 4 times a year for upper respiratory infections
12	M	Meningomyelocele and colostomy; otherwise in good health; mentally retarded IQ 45 - 55.

Additionally 10 - 12 children under 18 need orthodontia; otherwise in good health

HB 682

Kleinkauf -

no adoption until child relinquishment
" private adoptions

Sister Mary Clare -

- takes away parent's right to choose adoptive parents
- worked w/ 100 girls last yr, 26 gave up babies
-

Nina & money -

- not clear as to extent of coercion

How of adoptions -

HB 792

Kleinkauf -

Need to get info from courts as well as registrar.
p 5, line 2 - change, delete & date

Sister Mary Clare -

- some info can be ~~helpful~~ harmful

Brooks -

- one-parent adoption
- 3-5 month requests for birth certificates
-

64% "private" adoptions relative or stepparent

979 - 3d Jud Dist only 28 private adoptions
12-14 est 1980 so far

2324/446.05
2324
21300
20910

2770
2327
446



Close

Barnes

Buehler

O'Connell

Malone

Open

Brown

Phillips

Original sponsor: Gardiner

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 792

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to adoption; and providing for an
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. LEGISLATIVE DETERMINATION. The legislature determines that
10 information on the original birth certificate of a person subsequently
11 adopted and for whom a new birth certificate is issued is protected from
12 disclosure under art. 1, sec. 22 of the state constitution and may not be
13 disclosed except under the provisions of state law.

14 * Sec. 2. AS 18.50.220(b)(1) is amended to read:

15 (1) thereafter, the original certificate and the evidence of
16 adoption or legitimation are not subject to inspection except upon order
17 of the superior court or as provided under AS 18.50.310, 18.50.311, and
18 18.50.362 [BY REGULATION; HOWEVER, THE REGULATION SHALL ALLOW INSPECTIO
19 BY AN AGENT OF THE STATE OR FEDERAL GOVERNMENT ACTING IN THE PERFORMANC
20 OF HIS OFFICIAL DUTIES];

21 * Sec. 3. AS 18.50.310 is amended by adding new subsections to read:

22 (f) If ~~neither biological parent has filed an unrevoked affidavit~~
23 with the state registrar stating that the information on the original
24 certificate of birth may be disclosed, ^{or has revoked such an affidavit} information may be disclosed onl
25 if the person files a petition with the superior court for disclosure o
26 the original certificate of birth. The court shall consider the
27 petition under AS 18.50.311.

28 (g) If the person has reached the age of majority and ^a both
29 biological parents ^{has} have filed an unrevoked affidavit with the state

1 registrar stating that the information in the original certificate of
2 birth^{REGARDING THAT biological parent} may be disclosed, the state registrar shall release the requested
3 information to the adopted person.

4 (h) If a biological parent identified on the original certificate
5 of birth has filed with the state registrar an affidavit stating that
6 the information on the original certificate of birth should not be
7 disclosed, the state registrar may not disclose the information re-
8 garding that biological parent to the adopted person until the affidavit
9 is revoked. *and the adopted person has reached the*
age of majority.

10 * Sec. 4. AS 18.50 is amended by adding a new section to read:

11 Sec. 18.50.311. JUDICIAL DISCLOSURE. The court may order the
12 state registrar to release information identifying the biological parent
13 of the adopted person on application of the adopted person and on the
14 determination by the court that disclosure of the information would be
15 of greater benefit than nondisclosure.

16 * Sec. 5. AS 18.50 is amended by adding a new section to read:

17 Sec. 18.50.362. INFORMATION FOR BIOLOGICAL PARENT. (a) The
18 commissioner shall provide information to a biological parent relating
19 to his rights and the rights of an adoptive child under AS 18.50.310,
20 18.50.311 and 18.50.362 when the parent is involved in a juvenile pro-
21 ceeding under AS 47.10.080(c)(3) and the commissioner consents to an
22 adoption under AS 47.10.080(d).

23 (b) The commissioner shall provide a biological parent described
24 in (a) of this section with the following information:

25 (1) the right of a biological parent to file a consent to the
26 disclosure of information with the state registrar stating that the
27 information on the original certificate of birth should be disclosed at
28 any time; *and after the adopted person has reached the age of majority*

29 (2) the right of the biological parent to file an affidavit

1 stating that the information on the original certificate of birth should
2 not be disclosed.

3 * Sec. 6. AS 18.50.370 is amended by adding new paragraphs to read:

4 (14) "adoptive parent" means a parent who adopted a person;

5 (15) "biological parent" means a birth parent of the adopted
6 person who is listed on the original certificate of birth of an adopted
7 person which is not subject to inspection;

8 (16) "commissioner" means the commissioner of health and
9 social services.

10 * Sec. 7. AS 20.15.060 is amended by adding a new subsection to read:

11 (c) If the consent is executed in the presence of the court, the
12 court shall advise the person who is executing the consent, if he is a
13 biological parent as defined in AS 18.50.370(15), of

14 (1) the right of the biological parent to file a consent to
15 the disclosure of information with the state registrar stating that the
16 information on the original certificate of birth may be disclosed at any
17 time; and *after the adopted person has reached the age of majority*

18 (2) the right of the biological parent to file an affidavit
19 stating that the information on the original certificate of birth should
20 not be disclosed.

21 * Sec. 8. AS 20.15.180 is amended by adding a new subsection to read:

22 (h) A representative of an agency taking custody of the child,
23 whether the agency is inside or outside the state or a court whether
24 inside or outside the state shall advise the person who is executing the
25 consent, if he is a biological parent as defined in AS 18.50.370(15), of

26 (1) the right of the biological parent to file a consent to
27 the disclosure of information with the state registrar stating that the
28 information on the original certificate of birth may be disclosed at any
29 time; and

1 (2) the right of the biological parent to file an affidavit
2 stating that the information on the original certificate of birth should
3 should not be disclosed.

4 * Sec. 9. AS 20.15.190 is amended to read:

5 Sec. 20.15.190. ADOPTION ASSISTANCE. A hard-to-place child in the
6 permanent custody of the department in a foster home [FOR NOT LESS THAN
7 ONE YEAR] may not be denied the opportunity for adoption [A PERMANENT
8 HOME] if the adoption [ACHIEVEMENT OF THIS] depends on continued subsid
9 by the state.

10 * Sec. 10. AS 20.15.190 is amended by adding new subsections to read:

11 (b) A hard-to-place child adopted independently or through a
12 private agency may be granted a subsidy or medical assistance by the
13 state if the department determines that the child was hard to place and
14 the need for assistance exists.

15 (c) The department shall establish application procedures and
16 eligibility standards under regulations adopted under the Administrative
17 Procedure Act (AS 44.62) to implement this section.

18 * Sec. 11. AS 20.15 is amended by adding a new section to read:

19 Sec. 20.15.220. AMOUNT AND DURATION OF MEDICAL ASSISTANCE. The
20 amount of assistance for medical services and length of time for which
21 hard-to-place child is granted assistance are left to the discretion of
22 the commissioner and may vary from a small sum to an amount no greater
23 than the reimbursement level for service under AS 47.07.010 - 47.07.080
24 Payments shall be made to vendors of services. A hard-to-place child
25 determined eligible by the department may be eligible for assistance
26 until the child reaches the age of majority if the need continues to
27 exist.

28 * Sec. 12. Sections 9 - 13 of this Act take effect July 1, 1980.

29 * Sec. 13. Sections 1 - 8 of this Act take effect January 1, 1981.