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COMMITTEE REPORT  
SENATE

FURTHER: Judiciary

4/7/81

Date: \_\_\_\_\_

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 399  
adoption

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 SB 399  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*[Handwritten signatures]*

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MEMBERS HAVING  
OTHER RECOMMENDATIONS:

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*[Handwritten signature]*

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CHAIRMAN

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800


LEGISLATIVE AFFAIRS AGENC.

MEMORANDUM

May 2, 1980

SUBJECT: An Act relating to adoption  
(HB 792)

TO: Representative Charles H. Parr  
Chairman, House Judiciary Committee

FROM: Richard A. Bradley   
Legislative Counsel

The bill you have requested is enclosed. Several observations should be made regarding the bill.

I. Single Subject Questions.

I have added AS 20.15.220 as requested.

You should note, however, that the section is not concerned with "adoption." It is rather concerned with the amount of assistance available after adoption.

AS 20.15.190(b) is equally problematic; it deals with a situation where an adoption has been completed at some time in the past and it allows for assistance if the department determines that the child was "hard to place" at the time of the adoption.

I have amended the language of AS 20.15.190 to eliminate the euphemism "a permanent home" and substitute the more accurate word "adoption" in an attempt to minimize the single subject problems.

II. Release of Information by State Registrar.

I gather from the committee's request that no information should be available administratively to the adoptee until the adoptee reaches the age of majority. AS 18.50.310(f) and (g) [which you will note are substantially rewritten to achieve other requests] have been amended consistently with this request.

Representative Charles H. Parr  
Page 2  
May 2, 1980

I gather also that the committee intends that information be withheld by the state registrar unless there is an affirmative consent by the biological parents, recognizing that the adoptee always has the option of seeking judicial disclosure.

Sec. 310(f) is rewritten to assure this result. New sec. 310(g) deals with the situation where the biological parents have consented to the disclosure of the information and the state registrar may release it in such cases if the adoptee has reached his majority.

The committee may wish to discuss this issue with the state registrar. While some five or so requests for information from adoptees are received each month, the state registrar advises me that she has never received an inquiry from a biological parent, either consenting to disclosure or asking that disclosure not be available. Some outreach from the state registrar may be necessary because of the changes this bill will work.

Former sec. 310(g) is renumbered as sec. 310(h).

There is no need to deal with the revoked affidavit of consent beyond the language contained in the bill at present. The language regarding the "unrevoked affidavit" seems adequate to deal with this concern.

Considering the other changes made in the bill, it seems that former sec. 310(h) is unnecessary and I have deleted it.

### III. Judicial Disclosure.

AS 18.50.311 is amended to delete the requirement that an adopted person have reached the age of majority to file a request for judicial disclosure. Subsecs. (b) and (c) are deleted as requested.

I note, however, that the bill as revised seems deficient in not providing the court with guidance for its determination to open or not to open records; put another way, it seems unreasonable to require the court to determine whether birth records should be made available or should be denied unless the court is given policy considerations to measure an application for disclosure by. [See also my comments infra at VI.]

Sec. 311(c) was an attempt to supply this policy consideration; sec. 311(b) was a suggestion that the court not determine the rights of persons not before it without inviting them to participate in the decision. While sec. 311(b) is precatory, I cannot conceive of a court issuing a determination that the birth certificate be opened without inviting those affected by the determination to participate in the decision, even if the invitation must in some way be in camera. Since the information regarding biological parents can only come from the state registrar, it was logical to include him in sec. 311(b).

#### IV. Information for Biological Parent.

The committee's suggestion regarding sec. 7 of the first committee substitute has been complied with. See, the amendments in secs. 5 [AS 18.50.362, added], 7 [AS 20.-15.060(c)] and 8 [AS 20.15.180(h)]. The format was adopted from a substantially rewritten AS 18.50.362 -- sec. 7 in the former committee substitute.

#### V. Adoptive Parent Definition.

The suggestion of the committee has been included.

#### VI. Existing Law.

Margaret Berck and I have discussed the existing law situation regarding access to sealed certificates. As I believe the committee is aware, an administrative regulation of the department, 7 AAC 05.730, makes these records available to "the person whose record it is" when the person has reached majority.

The authority for the adoption of the regulation is stated to be AS 18.50.220 and AS 25.20.050. While the law presents a technical justification for the regulation, I cannot fail to observe that the law on the subject, when read as a whole, indicates what I consider a clear intent that no regulation similar to sec. 05.730 be adopted.

AS 18.50.220(b)(1) provides: (1) thereafter, the original certificate and the evidence of adoption or legitimation are not subject to inspection except upon order of the superior court or as provided by regulation; however, the regulation shall

Representative Charles H. Parr

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allow inspection by an agent of the state or federal government acting in the performance of his official duties;

AS 25.20.050 is not relevant to our concerns in this matter.

I draw two conclusions from AS 18.50.220(b)(1): First, I conclude that the legislature, in the material emphasized in (b)(1), gave the bureau the technical authority to do what it has done -- though I would not have expected it to do it quite so baldly. It seems inconsistent to require court approval or to describe the access to be allowed agents of the federal or state governments if an adoptee is allowed access without any showing of justification. The second conclusion that I draw is that the regulation seems to point up the need for a clarification of just what the policy for Alaska should be on access to this apparently sensitive information.

AS 18.50.220(b)(1) cannot be argued with; it permits the bureau to determine "by regulation" who shall have the right of "inspection." The legislature, in its enactment of sec. 220 in 1960, seems to have understood the problem but it ineptly stated the solution.

I assume that the legislature in 1960 either could not decide what the grounds for access to adoption records should be -- and thus left those decisions to the bureau -- an improper delegation of legislative responsibilities -- or the legislature did not understand the problems involved in access to this material.

But the bureau in its implementation of AS 18.50.220(b)(1) had not exercised any rule-making creativity in its adoption of sec. 05.730.

In fairness to the bureau, I note that the statutory determination as the grounds for allowing or denying access in this area are typically very vague. Laws in other states sometimes use the concept of "good cause" as the grounds for getting access by a court order.

"Furthermore, were 'good cause' shown, it has not always been clear what information should be released, since under state laws the amount and type of information that could be disclosed was often not specified.

Representative Charles H. Parr

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"As a result, 'good cause' and other laws governing adoption information have been left to the courts and these interpretations have sometimes varied from court to court within the same state. Judges, forced to decide such public policy questions, clearly have needed clarification of these laws by the legislatures. As a committee report accompanying one bill said: '. . .the courts have left the public policy issue of an adult adoptee's ability to discover his or her pre-adoption roots begging for resolution.' And, during hearings on this subject in California, the point was made that 'unless there is prompt legislative action, a hodgepodge of individual and perhaps contradictory court rulings may make a solution more difficult.'" Harrington, Legislative Reform Moves Slowly, Summer 1979 Public Welfare at 49.

The bureau gave itself the discretion to open the records in whole or in part; it apparently left itself the discretion to deny access. But it published no standards by which its decision to allow or deny access may be anticipated. And I understand from the state registrar that in fact no discretion is exercised by the bureau in its grant of access to the records.

#### Conclusion.

Enactment of this bill will resolve some of the questions presented. I do call the committee's attention to the possibly awkward result that may result from a failure to address standards under which the courts will measure a petition for access. [Former sec. 311(b) and (c).] If no standards are established under which a court may determine whether the legislature wished a particular petitioner to have access or to be denied access, then there seems no reason to involve the courts and access should be granted or denied on an administrative level where the expenses of the operation are presumably lower to all participants.

RAB:jdn

Enclosure

POSITION PAPER

SENATE BILL NO. 399

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

Senate Bill No. 399 provides for the opening of adoption records and sets up a procedure for birth parents to be contacted to either consent or object to the disclosure of the original birth certificate.

Section 1 amends AS 18.50, the Vital Statistics Act, by adding nine new sections regarding access to adoption records. This section will be discussed in two parts that part pertaining to establishing contact with the biological parents, AS 18.50.500-18.50.540, and the part dealing with records and definitions, AS 18.50.500-18.50.600.

Contact Procedures, AS 18.50.500-18.50.540: These sections provide a procedure for persons who were adopted in Alaska to request access to their original birth certificate. Their request will set in motion procedures requiring the Department of Health and Social Services to make an effort to contact the biological parents identified on the original birth certificate and to inform them of the request and of their right to either consent to the disclosure or to file a statement that the information not be disclosed. The information will be disclosed unless the biological parent files a statement objecting to the disclosure. The contacts made with biological parents cannot be made by mail.

If the Department is unable to contact the biological parent within six months after a request is made, and the biological parents have not filed a statement regarding disclosure, the Bill mandates that the State registrar of Vital Statistics release the requested information to the adopted person.

AS 18.50.540 provides for disclosure by the court if the court determines that disclosure would be of greater benefit than non-disclosure. However, the court may require the Department, or an adoption agency to advise the adoptive parents and the biological parents of an application for disclosure.

Discussion: There are currently 14,000 closed adoption records being maintained by Vital Statistics. Also, there are currently 20 adult adoptees who are contacting the State Registrar to see their original birth certificates. With a change in the law, it is estimated this number would increase to about 70-80 requests per year. The search procedures would be very costly to the Department since contact would require a personal phone call or visit since contact by mail is not permitted in the legislation.

In addition, the Bill provides that the Department may request a child adoption agency that processed the adoption to assist in the search of the biological parents. This is problematic since the majority of adoptions in Alaska are not processed by adoption agencies. Rather, the majority of Alaskan adoptions are facilitated by attorneys or physicians. Since the Bill does not mandate attorneys or physicians to cooperate, it may be difficult to gain these persons' assistance in making the contact to the natural parents.

Given our extremely mobile society particularly in Alaska, the Department is concerned that the procedures for notification would not only be costly, but may also be fruitless. Consider the fact that 18, 20, or 25 years ago a young woman and man gave birth to a child, perhaps illegitimately, and made the decision to relinquish this child. These people have since gone on to make new lives for themselves, perhaps outside Alaska, and in the cases of the women, very likely under new names due to subsequent marriages. It may be difficult for the Department to locate these persons even after hours of costly staff search time.

The contact provisions of this Bill are based on a statute enacted by the state of Minnesota in 1977. A very significant difference in the two states is that all adoptive placements in Minnesota must be done by licensed private or public adoption agencies. Thus, when an adult adoptee seeks his original birth information, he or she is referred back to the agency which handled the adoption. This is not possible in Alaska.

Presently in Alaska an adopted person of legal age can currently view his or her original birth certificate upon request. This practice is allowed by 7 AAC 05.730, by authority of AS 18.50.220. In addition, the State registrar can also facilitate contact between adult adoptees and their natural relatives by permitting letters of interest in making contact to be filed with the closed adoption records, in case the adoptee should wish contact.

The Department would suggest that this practice be considered for statutory change if it should be in favor of opening adoption records, rather than to accept the provisions of Senate Bill No. 399.

Records, AS 18.50.550-18.50.600: These sections include provisions that after January, 1982, an effort will be made to collect comprehensive information regarding each biological parent, including age, heritage, education, physical appearance, talents, hobbies, interests, existence of other children, reasons for placement, religion, occupation, health history, plans made for the adopted person's future, and legal relationships between the biological parents. This information would be maintained by the State registrar of Vital Statistics. There are also provisions requiring a licensed adoption agency to maintain these records. AS 18.50.600 is the definitions section.

Discussion: While the Department believes that some non-identifying background information should be collected and later made available to an adult adoptee, the Department questions the value of collecting items 5, 7, 11, and 12.

The Department also recommends that under AS 18.50.600, "Definitions," the following change be made:

"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.

Section 2 amends AS 20.15.060(a) to add the requirement that the consent to adoption form states that the person required to consent has the right to withdraw consent under AS 20.15.070(b), and requires that a copy of the consent be given to the person signing.

The Department supports this section of the Bill.

Section 3 would repeal the provision in AS 20.15.150(b) that all records can be inspected upon consent of the court and all interested persons. It would reenact it to state that the court and agency records are closed, but that the Vital Statistics records are open to inspection under the provision in Section 1 of the Bill.

The Department would support this section if Section 1, Article 6 is deleted from the Bill.

Section 4 adds a new section to the adoptions statute, AS 20.15, which requires the clerk of the superior court, the Department, or the agency placing a child for adoption to seek to obtain the information listed in AS 18.50.560 from the natural parents of the adopted person, along with a statement as to whether the adopted person may have access to information on the original certificate of birth when the person reaches the age of 18. This information would be filed along with the birth certificate.

The Department has no objection to this section.

RECOMMENDED BY:

*John R. Pugh*  
John R. Pugh, Director  
Division of Family and  
Youth Services

DATE:

4/16/81

RECOMMENDED BY:

*Patricia A. Lee*  
Joan Brooks, State  
Registrar, Vital  
Statistics

DATE:

4-16-81

APPROVED BY:

*Helen D. Beirne*  
Helen D. Beirne  
Commissioner

DATE:

4/16/81

FISCAL NOTE

I. REQUEST

Bill/Resolution No. SENATE BILL NO. 399  
 Title "An Act relating to adoption; and providing for an effective date."  
 Requested by Rodey, Stimson and Sturgulewski Date 4/7/81

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services  
 Program Category Affected Health  
 BRU, Program, or Subprogram(s) Affected Vital Statistics  
 (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 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES		36.8	78.8	87.6	93.7	100.3
200 TRAVEL		30.0	72.0	86.5	103.8	124.5
300 CONTRACTUAL		9.0	16.0	19.0	22.8	27.3
400 COMMODITIES		1.5	4.0	4.8	5.7	7.0
500 EQUIPMENT		6.0	1.0	1.0	1.5	1.5
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
<b>TOTAL</b>		<b>83.3</b>	<b>168.2</b>	<b>198.9</b>	<b>227.5</b>	<b>260.6</b>

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		83.3	168.2	198.9	227.5	260.6
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME		2	2	2	2	2
PART TIME		-0-	-0-	-0-	-0-	-0-
TEMPORARY		-0-	-0-	-0-	-0-	-0-

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

Assumptions

- 2 Investigators funded for 2nd half of FY 1982, Range 16C.
- 2 Investigators positions budgeted for 12 months in FY 1983.
- 7% inflation factor added for FY 1983, and for ensuing years.
- Based on Minnesota's experience of a 10% request factor, we anticipate 70 requests per year. Two full-time investigators would have 55 hours per case to meet the 120 day deadline.

IV. DATE April 9, 1980 PREPARED BY Jean Brooks Jean Brooks, State Registrar  
 OFFICE Vital Statistics  
 ORIGINAL: Legislative Finance PHONE 465-3393  
 cc: Budget and Management  
 Prime Sponsor (List Full Name) Stimson M&B Approval [Signature] Date 4/11/81

# Public opinion favors opening adoption records

By CECILIA KLEINKAUF

Throughout the winter and spring of 1980, the subject of "opening" adoption records in Alaska received a good deal of attention.

A public forum, sponsored by the League of Women Voters, the National Association of Social Workers and the Social Work Department at the University of Alaska generated much discussion and a series of resolutions supporting opening records for release of non-identifying information (i.e. — medical, racial data) and opening records for release of identifying information with the consent of the individual whose name is released. Legislation was also introduced in the 11th Alaska Legislature to amend the Alaska statutes to provide for open records but did not pass.

In order to determine the opinions of the general public regarding adoption issues, the Social Work Department at the University of Alaska agreed to undertake a research survey of public opinion and make the results available to the legislature and the public at large.

Both KIMO-TV, Channel 13, and the Anchorage Daily News provided assistance by actually publicizing the short questionnaire, thus assuring participation by the general public.

The survey asked the following questions:

1) Whether respondents believed that non-identifying information should be available to adult adoptees without a court order.

2) Whether respondents believed that identifying information (names) should be accessible to adult adoptees, adoptive and biological parents —

- a) Only with written consent of the person to be adopted;
- b) Only with a court order and the written consent of the person to be adopted;
- c) Only with a court order;
- d) Not at all;

3) Whether adoptions should be done by a licensed adoption agency or the state -- except for relative or stepparent adoptions.

One hundred forty-two (142) individuals responded to the brief questionnaire. Of this number — 19 were adopted persons, 37 were adoptive parents, 22 were biological parents of a child released for adoption, 18 were professional and 46 were classified "other." Composite breakdowns of their responses are as follows:

1) Those believing that non-identifying information should be available to adult adoptees without a court order —

- Yes.....69 percent
- No.....6 percent
- Don't know.....4 percent

2) Those believing that identifying information (names) should be accessible to adult adoptees, adoptive and biological parents —

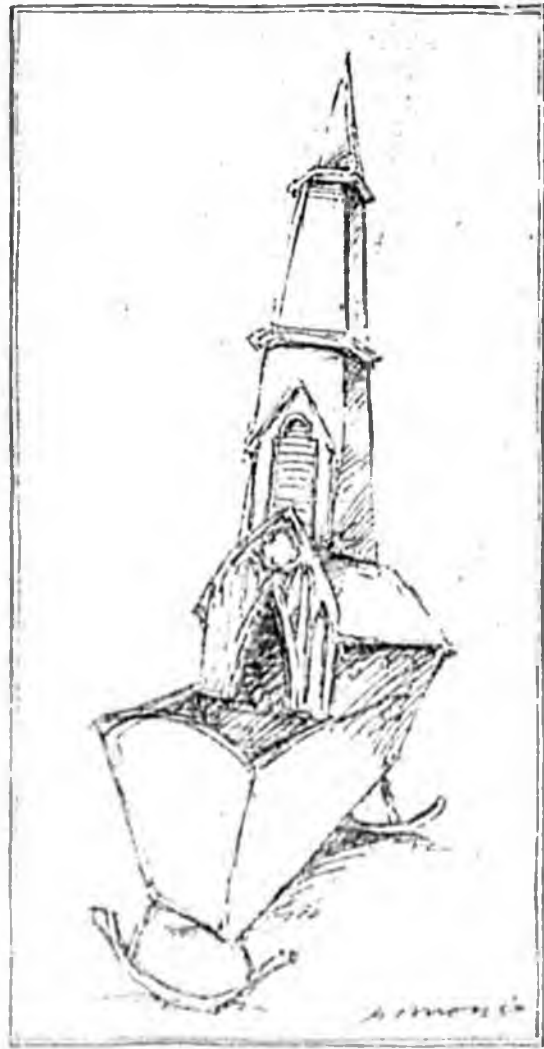
- Written consent.....77 percent
- Court order & written consent.....15 percent
- Only with court order.....7 percent
- Not at all.....4 percent
- Don't know.....1 percent

3) Those believing that adoptions should be done by a licensed adoption agency or the state (except for relative or stepparent adoptions)

- Yes.....65 percent
- No.....17 percent
- Don't know.....18 percent

Contrary to what might be expected, when the responses are broken down by adoptees, adoptive parents and biological parents, the support for open records remains strong within each discrete group.

Of those respondents who were ADOPTIVE PARENTS, 75 percent believed that access to identifying information should be granted with the consent of the person to be identified. Ninety-five percent believed adult adoptees should have access to non-identifying information without a court order. Fifty-one percent of



the adoptive parents believed adoptions should be done by a licensed agency or the state and 35 percent disagreed. Fourteen percent weren't sure.

Of those respondents who were the BIOLOGICAL PARENT of a child released for adoption, 82 percent believed that access to identifying information should be granted with the written consent of the person to be identified. Ninety-one percent believed adult adoptees should have access to non-identifying information without a court order. Forty-five percent of the biological parents believed adoptions should be done by a licensed agency or the state. Forty-one percent weren't sure and 14 percent disagreed.

Of the respondents who were ADOPTEES, 81 percent believed that access to identifying information should be provided with the written consent of the person to be identified. Ninety-five percent believed that access to non-identifying information should be possible without a court order, and 81 percent believed adoptions should be done by a licensed agency or the state. Eleven percent disagreed and five percent weren't sure.

Of the remaining respondents, 80 percent believed that written consent should be required for the release of identifying information, 57 percent believed that access to non-identifying information should be possible without court order and 74 percent believed a licensed agency or the state should do the adoptions.

Survey results such as these give clear indicators of changing social attitudes about adoption and about "secret" adoptive records.

It is obvious that the majority of respondents in this survey believe that Alaska should "open" adoptive records. It remains to be seen whether the 12th Alaska Legislature will agree.

Cecilia "Bridge" Kleinkauf is a faculty member of the University of Alaska, Anchorage with the Department of Social Work. She was recently a candidate for the state Legislature.

PATRICK RODEY  
ANCHORAGE

601 W. 5TH AVE. SUITE 620  
ANCHORAGE, ALASKA 99501

DURING SESSION

FOUCH V  
JUNEAU, ALASKA 99811

Alaska State Senate  
JUNEAU, ALASKA 99811

April 15, 1981

Mrs. Susan Lounsbury  
1143 M Court  
Anchorage, Alaska 99501

Dear Susan:

Thank you for your note concerning open adoption records.

The bill is not perfect, and I do expect some amendments will be made before final passage.

I have taken the liberty of forwarding your letter to Senator Parr, Chairman of the Health, Education, and Social Services Committee, so he may review your comments and advise you of the hearing dates.

Best personal regards.

Sincerely,



Patrick M. Rodey, Senator

PMR/ods

cc: Senator Parr  
With Enclosures

278-2254

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APR 13 1971



April 11th.

Dear Pat,

Thank you for your letter and a draft of the open-adoption records bill. After many careful readings, I feel there is a lot of duplicate material included in the Bill (#377) - even after all the revisions. There are too many "loop-holes" and not enough protection for the birth parents. A sharp, simple worded bill is sufficient - stating "voluntary registration of necessary non-identifying facts"

without all the other "plugs" included. It could allow for current information to be released - by "mutual consent". This is and should be the key to this Bill.

I beg your indulgence and further consideration of this Bill before making any final decisions.

Sincerely,  
Susan Lowenthal

P.S. I would appreciate being advised in advance of any public hearings concerning this legislation.



Mrs. Lynn H. Lowenthal  
1140 14 Court  
Anchorage, AK 99501

*file copy*

SPECIAL REPORT

Unsealing

Scaled Birth Certificates

in Minnesota

RUTH C. WEIDELL

Editor's note: This report, which was prepared at C.W.L.A.'s 1979 Midwest Regional Conference, offers the first information on a sealed record law and statistics on its initial results that CHILD WELFARE has had the opportunity to publish.

Since 1970, when the writer began supervising the Adoption Unit of the Minnesota Department of Public Welfare, an increasing number of adopted adults, birth parents and adoptive parents have requested services. County and licensed child-placing agencies also experienced an increase in requests for services. During this 9-year period adoption-related children groups formed in Minnesota, these groups (LINK, Concerned United Birth Parents and Adopters' Liberty Movement Association) have provided a strong impetus for agencies to change patterns of services to meet the needs of clients served in the past. Beginning in the fall of 1974 the Education Committee of the Minnesota Council on Adoption studied postadopter service needs, as

Ruth C. Weidell, M.S.W., is Adoption Supervisor, Minnesota Department of Public Welfare, St. Paul.

0007-0021/70/020113-07 \$01 250C340 Welfare League of America

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**TULANE UNIVERSITY**

School of Social Work

New Orleans, Louisiana

SUMMER PROGRAM, 1981

May 18-21

EMERGING INSTITUTES

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MANAGEMENT SEMINARS

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M. CHAPMAN (M.S.W.)

STRESS AND CONFLICT

AND MANOR (M.S.W.)

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AND CHILDREN'S HEALTH

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HEALTHY THIRTY-AY

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FAMILY TREATMENT

SUCCESSFUL CLINICAL PRACTICE

SOCIAL WORK SUPERVISION II

WORK WITH ADOLESCENTS

PERMANENCY FOR CHILDREN

LOGICIAN METHODS IN SOCIAL WORK

STEP PARENTING

ADAPTATION AND REINTEGRATION

IN MARIJUANA USE

ADULTS WITH MENTAL ILLNESS

IN THE HOME

AND COMMUNITY

PROGRAMS

IN THE HOME

well as the open-record issue. This committee, in consultation with the advocacy groups, decided that the sealed birth certificate record was the one that concerned adult adoptees most. Adoptees felt that this document reflected a basic part of their identity.

In the 1976 Minnesota legislative session, through the initiative of LEAF and LINK, a bill was introduced to open the sealed birth certificates. Some agencies supported the bill, provided it were amended to protect the birth parents' privacy. Other agencies opposed it. Because of controversial testimony by agency representatives, the Legislature tabled the bill for interim study. No interim study occurred, but a new and similar bill was reintroduced in the 1977 legislative session. This time State Senator Allen Spear, author of the bill, contacted the agencies and advocacy groups to work out compromises. The result was united support. The bill passed both houses of the Legislature, and the governor signed it with the effective date of June 1, 1977.

### The New Law: Request and Search Procedures

#### *Adoptions Before August 1, 1977*

An adopted person, 21 years old or older, who was born in Minnesota may request the information on the original birth certificate from the State Registrar of Vital Statistics. This request starts a search for the birth parent(s) named on the certificate. The Minnesota Department of Public Welfare has maintained records on adoptions since 1919, and these are accessible to the department's Adoption Unit. The Adoption Unit reviews the record and assigns responsibility for the search to the most appropriate local child-placing agency, usually the one that placed the child or served the birth parents.

Within the 6 months set by law, the assigned agency must make responsible efforts to locate and notify the birth parent(s) of the adoptee's request. Notification must be carried out in a personal and confidential manner. From the day of notification, the birth parent has 4 months to file an affidavit of consent or refusal with the state registrar. If the birth parent(s) files a consent, the state registrar releases the information. Without a written consent from each parent named on the birth certificate, the certificate remains sealed.

The birth certificate is not released without a court order when: a) one birth parent has died or cannot be located, b) a birth parent is

located and notified, but does not file a consent; or c) a birth parent files a refusal. In these situations the adopted person has the option of petitioning the court to open the birth record. The court reviews the petition, considering the interests of all parties. If a birth parent has filed a refusal with the state registrar, it is doubtful that the court would order the birth certificate opened. There has been an increasing number of court petitions filed by adoptees. Consequently the courts have to balance the needs and rights of the adoptees, birth parents and adoptive parents.

#### *On Adoptions After August 1, 1977*

The new law adds a provision to the Juvenile Court Act. The provision requires the court, in terminating parental right proceedings, to ensure that birth parents are informed of their rights to release or not release the original birth certificate information should the child be adopted. This provision does not require agencies to advise birth parents of these rights, but agencies have incorporated this action into their pregnancy counseling services. Many birth parents now releasing children directly to the agencies for adoption are also filing consents or refusals with the state registrar. These parents are informed that they may reverse their affidavits by filing a new one at any time.

Persons adopted after August 1, 1977, after becoming 21 years old, may obtain the original birth certificate information more easily than persons adopted prior to that date. In addition to receiving the birth certificate information upon birth parents' consent, the adoptees may receive it if the birth parent is dead or cannot be located, if the parent did not have a refusal on file.

#### Statistical Review of Requests Filed

During the first 13 months of the law, from June 1, 1977, to June 30, 1978, 339 adopted adults filed requests for birth certificates. Seven adoptees withdrew their requests, leaving 332 requests on which an agency searched for birth parents. Charts 1 and 2 give a breakdown on the searches.

During the second year, from July 1, 1978, through June 1979, about 340 requests were made, for a total of 679 requests in the first 2 years of operation.

# CHART 1

## Adoptees' Requests for Birth Certificates and Other Data

Ages of Adoptees	21	26	30	36	40	46	50	56	60	Unknown	Totals
	10	10	10	10	10	10	10	10	10		
	25	29	35	39	45	49	55	59	69		
<b>Gender:</b>											
Male	24	19	31	7	10	3	3	1	6		104
Female	58	50	55	24	8	8	13	3	8	1	228
Total:	82	69	86	31	18	11	16	4	14	1	332
<b>Race:</b>											
White	78	67	86	31	17	11	16	4	13		323
Black	2	1									3
Indian	2										2
Unknown		1			1				1	1	4
Total:	82	69	86	31	18	11	16	4	14	1	332
<b>Requested Birth Certificate:</b>	82	69	86	31	18	11	16	4	14	1	332
<b>Received Birth Certificate:</b>	20	9	21	14	6	2	4	3	5		84

<b>Other Requests:</b>											
Genetic Hist.	41	35	50	23	12	7	9	1	7	1	186
Received:											
Genetic Hist.	40	30	41	17	11	6	6		3		144
Genetic Hist. Update	38	34	43	22	11	5	7	1	4	1	166
Received:											
Genetic Hist. Update	32	27	27	14	8	1	5				114
Contact/Birth Relatives	42	39	49	24	12	7	11	2	6	1	193
Received:											
Contact/Birth Relatives	17	16	22	13	8	2	3	1			82

## PART 2

## Results of Birth Parent Searches

	<i>Birth Mother</i>		<i>Birth Father</i>	
Identified	208	63%	35	41%
Not Identified	33	10%	15	18%
Not Located	91	27%	35	41%
Total	332	100%	85	100%

*Agency of Birth Parent Filing Affidavit*

Full Disclosure	77	37%	17	49%
Partial Disclosure	47	23%	3	9%
Nothing	49	23%	11	31%
Not Found (Found But Not Notified)	4	2%	0	0
Unknown*	31	15%	4	11%
Total	208	100%	35	100%

*Agency of Birthparents Open to Contact*

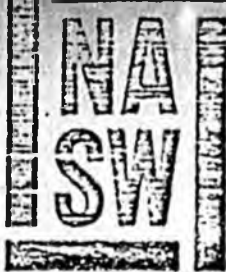
Open to Contact	93	45%	16	46%
Open No Contact	66	32%	7	20%
Unknown*	49	23%	12	34%
Total	208	100%	35	100%

\*Not available due to incomplete reporting.

## Impact of the Law

The law, by requiring the agency to locate and notify birth parents in personal and confidential manner, has given agencies a legal base for a variety of related services to adopted persons, birth parents and adoptive families. Over the years, legal interpretations of the statutes on confidential records have ranged from very conservative to fairly liberal. Agencies grappled with issues on how much information may be given to adoptees, birth parents or adoptive parents. Even more controversial is the question of the agency's role when a request for a search was made. Other major issues related to confidentiality, rights, agency priorities, and needs of former clients.

Postadoption services are now considered a part of an agency's total adoption service program. In various phases of this program, some agencies use the resources of the citizen groups. In addition, information and referrals are exchanged between child-placing agencies and adoption-related citizen groups. In Minnesota there is a fairly good relationship between the agencies and these groups, but there still remain many areas of difference in opinion and focus, and on how people's needs may best be met.



ALASKA CHAPTER  
NATIONAL ASSOCIATION OF SOCIAL WORKERS, INC.

Box 3-3794  
Anchorage, Alaska 99501

ADOPTION

-1980-

- Whereas an adoption in Alaska can proceed without a biological parents rights to the child being terminated and without the protections to all parties which can best be assured by the services of an adoption agency, and
- Whereas adult adoptees in Alaska are presently denied access to information about themselves and their social biological heritage

The Alaska Chapter NASW, in accord with the Public Policy Position of NASW approved by the 1979 Delegate Assembly, believes that the following changes should be made in Alaska's Adoption Statutes -

- A biological parents legal rights to a child should be terminated either by relinquishment or juvenile court action prior to the filing of any adoption petition.
- In order that the rights and needs of all parties to an adoption be safeguarded, all adoptions (except those by a relative or step parent) should be conducted by the state or a licensed adoption agency. Other 3rd party adoptions should not be permitted in Alaska.
- Adult adoptees should be provided with access to non-identifying information about themselves as a matter of legal right and without court order.
- Adult adoptees should be provided access to identifying information about their biological parents through a mechanism whereby a state agency locates the parent for his/her consent and then makes information available to the adoptee.

## Survey of Public Opinion on Adoption Practices

In an attempt to determine public opinions regarding current issues in adoption, the Social Work Department at University of Alaska, Anchorage recently undertook a survey and presents the following results as of April 14, 1980.

Three questions were asked of respondents to the survey -

- 1- whether they believed that non-identifying information should be available to adult adoptees without a court order
- 2- whether they believed that identifying information (names) should be accessible to adult adoptees, adoptive and biological parents -
  - a- only with written consent of the person to be adopted
  - b- only with a court order and the written consent of the person to be adopted
  - c- only with a court order
  - d- not at all
- 3- whether adoptions should be done by a licensed adoption agency or the state - except for relative or step-parent adoptions

One hundred thirty individuals have responded to the brief questionnaire. Of this number - 12% were adopted persons, 25% were adoptive parents, 15% were biological parents of a child released for adoption - 14% were professionals and 33% were "none of the above". A general breakdown of responses is as follows -

1. Whether they believed that non-identifying information should be available to adult adoptees without a court order -

Yes - 89%  
No - 6%  
Don't Know - 5%

2. Whether they believed that identifying information (names) should be accessible to adult adoptees, adoptive and biological parents -

a. written consent -	76%
b. court order & written consent -	17%
c. only with court order -	2.5%
d. not at all	3%
e. don't know	1.5%

3. Whether adoptions should be done by a licensed adoption agency or the state - except for relative or step-parent adoptions -

Yes - 66  
No - 16  
Don't Know - 18%

Of those respondents who were adoptive parents, 63% believed that access to identifying information should be granted with the consent of the person to be identified. 93% believed adult adoptees should have access to non-identifying information without a court order. 54% believed adoptions should be done by a licensed agency or the state and 33% disagreed. 12% weren't sure.

Of those respondents who were the biological parent of a child released for adoption, 80% believed that access to identifying information should be granted with the written consent of the person to be identified. 90% believed adult adoptees should have access to non-identifying information without a court order. 40% believed adoptions should be done by a licensed agency or the state, 50% weren't sure and 10% disagreed.

Of the respondents who were adoptees, 81% believed that access to identifying information should be with the written consent of the person to be identified. 94% believed that access to non-identifying information should be possible without a court order, and 88% believed adoptions should be done by a licensed agency or the state.

Of the remaining respondents, 79% believed that written consent should be required for the release of identifying information, 84% believed that access to non-identifying information should be possible without court order and 75% believed a licensed agency or the state should do adoptions.

Cecilia Kleinkauf, MSW, ACSW  
Social Work Dept Chairman  
University of Alaska, Anchorage

ADOPTION IN ALASKA  
A  
PUBLIC ISSUES FORUM

December 8th, 1979

The Child Welfare League of America's Standards For Adoption Service recommends that the following conditions be met if the best interests of all parties to an adoption are to be met:

1. The biological mother who surrenders her baby should have an opportunity to consider alternatives and to be given help in selecting among them.
2. The biological mother's decision to surrender should not be linked to the provision of services.
3. The biological father's interest should be considered in the relinquishment of his child.
4. The child has a right to protection from unnecessary separation from his or her biological parents.
5. The child has a right to a secure, permanent home.
6. The child has a right to the best suitable home available.
7. For the child to develop a sense of identity and emotional well-being, his/her adoptive parents have the right to accurate and appropriate information about the biological parents, including full knowledge of physical and developmental factors that might affect the child's growth.
8. The adoptive parents have the right to assurance that the biological parent(s) will not intervene in the child's life after placement has occurred.
9. The adoptive parents should have available help in understanding the special needs of an adopted child and the difficulties inherent in adoptive parenthood. <sup>1</sup>

Adoptions completed by the State Adoption Agency or other licensed child placement agencies best meet these conditions. Private-non-agency adoptions take place in Alaska because they are not prohibited by law.

Some Facts About Adoption Laws

- Six states absolutely prohibit adoptive placements not made by the state or a licensed child placement agency (relative & stepparent adoptions excepted) Connecticut, Delaware, Georgia, Massachusetts, Michigan, Minnesota.
- Seven states have prohibitions for pre-placement investigations - Iowa, Kentucky, Indiana, N. Hampshire, N. Carolina & Washington (Virginia, however does not require it for independent placements!)
- Ten states laws expressly prohibit the payment of any compensation for an adoption except to the state or licensed agency. <sub>25</sub>

- Every state requires a post-placement social study of some sort. A waiver system in 37 states enables some adoptions to avoid even this protection.
- Alaska is among the seven states which have no penalties for violation of adoptive placement procedures. (Others are Delaware, Kansas, Wyoming, Mississippi & West Virginia).
- Iowa's Adoption Act (effective Jan 1, 1977) requires that parental rights must be terminated before any adoption petition may be filed. (Either relinquishment or court ordered).
- Indiana requires that no child may be placed in a proposed adoptive home without prior written approval by the state or a licensed agency.
- Arizona also requires a person/couple be certified as acceptable (by the court, the state or an agency) before they can petition to adopt. 2

1. Child Welfare League of America, Standards for Adoption Service, (Revised) Child Welfare League of America, New York, 1973 - Chapter 14
2. Excerpted from - Reagan, et al Adoption Without Agencies, Child Welfare League of America, New York, 1973

ADOPTION IN ALASKA  
December 8th, 1979

Child Welfare League of America statement on Regulation of Adoption Services

Regulation of Adoption Services

There are compelling reasons for delegating adoption services to organized agencies. Such agencies may be under public or voluntary (nonprofit) auspices, but in either case they should have social service as their primary goal. Further, they should be subject to appropriate controls by the state and the local community. If voluntary, they should be authorized by the state department of welfare to perform adoption services; if public, they should receive this authorization by statute.

Such an agency-accountable to the community and operating in a framework of law-can best discharge the community's responsibility for children deprived of their natural parents. It can bring together the professional skills of social workers and those of consultants from allied fields, including medicine, psychology, law, and religion. It can safeguard the interests of all three parties to the adoption-the natural parents, the child, and the adoptive parents. Finally, it can provide the necessary postplacement counseling.

The thrust of law, therefore, should be to reduce the number of independent placements and to regulate those that continue to be made.

Toward this end, the Child Welfare League of America urges that a social study be made of all nonagency placements, including stepparent and other relative adoptions. This study should be required by law, should be made by the state department of welfare or an agency designated by it, and should be carried out by skilled professional personnel. Such a study, made after the fact, cannot afford the same protection as an organized adoption service, but it can determine whether the parties would benefit from social work help, or whether the placement was undesirable. In the latter case, the state welfare department (or its designated agency) must stand ready to petition the court for legal custody of the child, and to assume full responsibility for him if necessary. (Standards for Adoption Service 1.5-1.8)

Legal separation of child from his natural parents. No child should be considered legally free for placement for adoption until parental rights have been terminated through proper legal procedures. The termination of parental rights is as important as the adoption and should be securely safeguarded. The law should provide for both voluntary and involuntary termination and these statutes should be separate from those governing adoption. Parental rights may be terminated by statutory procedures that authorize the voluntary relinquishment of a child by its parent to an agency for adoption under specified conditions. Some termination statutes require judicial approval of the relinquishment, others do not. When the legal conditions of the termination statute have been met, all relinquishments should be permanently binding and set aside only on proof of fraud or duress. There should also be statutory provision for judicial termination of parental rights in the interest of the child where it has been determined that the parents will not be able to perform their parental duties, and are either unable or unwilling to relinquish the child.

Excerpted from Child Welfare League of America, Guidelines for Adoption Service, CWLA, New York, 1971, pp. 3-4

PUBLIC POLICY STATEMENT  
NATIONAL ASSOCIATION OF SOCIAL  
WORKERS - APPROVED  
1979 DELEGATE ASSEMBLY

(1) All parties to adoption are appropriately regarded as individual clients whose needs and rights should be respected and considered to the greatest extent possible. The child must, nevertheless, be seen as the primary client whose best interest must take priority.

(2) Adoption policy and practice should recognize that services should be extended to all parties involved in the adoption and be made available for as long as they are needed and desired.

(3) Special attention should be given to the needs of so called hard-to-place children (including older children, racially mixed children, physically, mentally or emotionally handicapped children) with particular care afforded to insure protection of their right to a caring environment.

(4) Public subsidies should be available in all cases where funding becomes a barrier to adoptive placement. Such subsidies should continue to be available until the child reaches majority.

(5) The provision of current, viable information to all parties involved in the adoption is the responsibility of the agency. Such information is to be of a non-identifying nature unless otherwise agreed to by all parties; no information is to be provided about a person who has previously been assured confidentiality, without the consent of that person, unless the said person is deceased, except for compelling professional reasons. The needs and right of adoptees to know their birth origins should be recognized. This right extends to requests from adult adoptees for identifying information. If a reunion is requested with a birth-relative, the agency should seek to provide counseling and intermediary services, fully cognizant of the sensitivities of all the parties involved. Both adoptive parents and birth-parents should be informed of the limits of confidentiality.

(6) The social work profession, along with social agencies, has a responsibility to initiate and support appropriate changes in the law that would facilitate the sharing of identifying information between adult adoptees and birthparents when both parties are in agreement. When indicated, the adoptive parent should be involved in this process.

(7) Recruitment of adoptive parents from each relevant ethnic or racial groups should be aggressively pursued to meet the needs of children who require placement.

(8) Children's agencies must mount aggressive attacks on the barriers that have traditionally, and often still remain, in the way of achieving permanent homes for children: 1) financial barriers that can be breached by an aggressive utilization and expansion of existing adoption subsidy programs; and 2) theoretical barriers, unsupported by tested experience, such as resistance to utilizing single parents, foster parents and non-traditional family patterns as potential adoption resources.

(9) Because of the need to protect the rights and insure the welfare of children through careful preplacement selection and early monitoring of placements by qualified professions, NASW opposes placements made by third parties who are not related to the child or who are not licensed as placement agencies.

TELEGRAM

ALISCOM, INC.  
PHONE: 586-6442  
JUNEAU, AK 99802

Rec'd 4/28/80  
2 P.M.

REC'D APR 27 AM 5 31

02008 NL ANCHORAGE ALASKA 186 04-27 120A AST

PMS JOAN BROOKS, STATE REGISTRAR

DIVN OF VITAL STATISTICS 15

JUN

RE HB792 AS A WOMAN WHO GAVE A CHILD FOR ADOPTION  
15 1/2 YEARS AGO I WOULD LIKE TO EXPRESS MY CONCERN  
OVER YOUR PROPOSED LEGISLATION REGARDING BIRTH  
RECORDS INFORMATION. I WOULD TO GOD I KNEW MY  
CHILDS WHEREABOUTS. ADOPTION AGENCIES KEEP RECORDS  
SEALED AND ARE MOST DIFFILCULT TO EXTRACT INFORMATION  
FROM. I BELIEVE IT IS THE CHILDS RIGHT TO  
SEEK AND THE BIRTH PARENTS RIGHT AS WELL, BOTH  
THEN HAVE THE OPTION TO RECOGNIZE OR DENY. I SPENT  
5 1/2 MONTHS IN A HOME FOR UN-MARRIED WOMEN AND  
NOT ONE WOMAN THERE WANTED TO PART WITH HER INFANT.  
SOCIAL PRESSURE WAS HIGH THEN AND WE MADE A DIFFILCULT  
DECISION AT A VERY TENDER AGE. LIKEWISE EACH OF  
US NOW WOULD LIKE TO BE ABLE TO ESTABLISH CONTACT  
WITH OR OBTAIN KNOWLEDGE OF OUR CHILD. NOT TO INTERFEAR,  
ONLY TO RECOGNIZE THE NATURAL RELATIONSHIP  
AND ASSURE OURSELVES OF THE CHILDS WELFARE. I  
URSE THE STATE NOT TO INTERFEAR WITH THE EXISTING  
REGULATIONS. LEAVE THE CHOICE WHERE IT BELONGS  
WITH THE INDIVIDUAL. IT IS NOT THE BUSINESS OF THE  
STATE. SINCERELY

JOHN CARMICHAEL, PARAMEDIC

BOX 156, BIRDWOOD AK 99587

3  
MSG 81-00014260 PRTY 1 04/27/81 18:06:18 ORIG: LFO1 IN= 0007 OUT= 0097  
FROM: MAXINE/FAIRBANKS TO: JUNO INFO  
TARGET: LJH2 SUBJ: POM  
----- PAGE 0003

TO: SEN PARR,  
CC: SEN RODEY

FR: MELODY JAMIESON, FBX COUNSELING ADOPTION  
1019 COLLEGE RD, FAIRBANKS 99701 PH. 456-4729

RE: SB 399

I STRONGLY SUPPORT THIS BILL AND THE PHILOSOPHY OF MORE OPENESS  
IN ADOPTION. I BELIEVE THAT ADOPTED CHILDREN SHOULD BE ABLE  
TO EXPLORE THEIR ORIGINS BUT BIRTH PARENTS PRIVACY SHOULD ALSO BE  
PROTECTED WHEN THEY SO DESIRE. THIS BILL PROVIDES A REASONABLE  
SYSTEM FOR ALL INTERESTED PARTIES.

-----EOM

3  
MSG 81-00014265 PRTY 1 04/27/81 18:21:16 ORIG: LFO0 IN= 0013 OUT= 0093  
FROM: ANNIE IN FAIRBANKS TO: JUNEAU INFO.  
TARGET: LJH2 SUBJ: POM  
----- PAGE 0001

TO: SEN. PARR AND SEN. RODEY

FROM: JACKIE EKLUND, ADOPTION SUPERVISOR, FAIRBANKS COUNSELING AND  
ADOPTION, BOX 1544, FAIRBANKS 99707 452-3033

RE: S.B. 399

I STRONGLY SUPPORT SB399 AND URGE ITS PASSAGE. BILL ALLOWS FOR PROVIDING  
INFORMATION ABOUT BIOLOGICAL PARENTS TO ADULT ADOPTEE WITHOUT VIOLATING  
THE RIGHT TO PRIVACY OF BIOLOGICAL PARENTS. MOST ADOPTING PARENTS IN MY  
ACQUAINTANCE (I AM ONE) SUPPORT THIS CONCEPT.

3  
MSG 81-00014260 PRTY 1 04/27/81 19:06:18 ORIG: LF01 IN= 0007 OUT= 0087  
FROM: MAXINE/FAIRBANKS TO: JINNO INFO  
TARGET: LJM2 SUBJ: POM

PAGE 0003

TO: SEN PARR,  
CC: SEN RODEY

FR: MELODY JAMIESON, FBX COUNSELING ADOPTION  
1019 COLLEGE RD, FAIRBANKS 99701 PH. 456-4729

RE: SB 399

I STRONGLY SUPPORT THIS BILL AND THE PHILOSOPHY OF MORE OPENNESS  
IN ADOPTION. I BELIEVE THAT ADOPTED CHILDREN SHOULD BE ABLE  
TO EXPLORE THEIR ORIGINS BUT BIRTH PARENTS PRIVACY SHOULD ALSO BE  
PROTECTED WHEN THEY SO DESIRE. THIS BILL PROVIDES A REASONABLE  
SYSTEM FOR ALL INTERESTED PARTIES.

-----EOM

3  
MSG 81-00014261 PRTY 1 04/27/81 19:21:16 ORIG: LF00 IN= 0013 OUT= 0093  
FROM: ANNIE IN FAIRBANKS TO: JINNO INFO.  
TARGET: LJM2 SUBJ: POM

PAGE 0001

TO: SEN. PARR AND SEN. RODEY

FROM: JACQUE CRUND, ADOPTION SUPERVISOR FAIRBANKS COUNSELING AND  
ADOPTION, BOX 1544, FAIRBANKS 99707 452-3833

RE: S.B. 399

I STRONGLY SUPPORT SB399 AND URGE ITS PASSAGE. BILL ALLOWS FOR PROVIDING  
INFORMATION ABOUT BIOLOGICAL PARENTS TO ADULT ADOPTEE WITHOUT VIOLATING  
THE RIGHT TO PRIVACY OF BIOLOGICAL PARENTS. MOST ADOPTING PARENTS IN MY  
ACQUAINTANCE (3 AN ONE) SUPPORT THIS CONCEPT.

to his former relatives for all purposes including inheritance, unless the decree of adoption specifically provides for continuation of inheritance rights, and the interpretation or construction of documents, statutes, and instruments, whether executed before or after the adoption is decreed, which do not expressly include the person by name or by some designation not based on a parent and child or blood relationship; and

(2) to create the relationship of parent and child between petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, which do not expressly exclude an adopted person from their operation or effect.

(b) Notwithstanding the provisions of (a) of this section, if a parent of a child dies without the relationship of parent and child having been previously terminated and a spouse of the living parent thereafter adopts the child, the child's right of inheritance from or through the deceased parent is unaffected by the adoption. (§ 1 ch 84 S.L.A. 1974)

The effect of an adoption is to establish the legal relationship permanently between the biological relationship of parent and child, except when the natural parent is the spouse of the adopting parent. *Boyd v. Stewart*, Sup. Ct. Op. No. 902 (7th Mo. 1984), 513 P.2d 110 (1975).  
The adopter's parents are as much the adopted child's grandparents as the biological child's grandparents are. *ALM 526, 170 ALR 122*.

Sec. 20.15.168. **Appeal and validation of adoption decree.** (a) An appeal from any final order or decree rendered under this chapter may be taken in the manner and time provided for appeal from a judgment in a civil action.  
The objection to the disposition of an appeal, upon the expiration of one year after an adoption decree is issued, the decree may not be questioned by any person including the petitioner, in any manner upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter, unless, in the case of the adoption of a minor the petitioner has not taken custody of the minor, or, in the case of the adoption of an adult, the adult had no knowledge of the decree within the one-year period. (§ 1 ch 84 S.L.A. 1974)

Sec. 20.15.169. **Confidential nature of hearings and records in adoption proceedings.** (a) All hearings held in proceedings under this chapter shall be held in closed court without admission of any person other than essential officers of the court, the parties, their witnesses, counsel, persons who have not previously consented to the adoption and are required to consent, and representatives of the agency person for purposes of their official duties.  
(b) All papers and records pertaining to the adoption whether part of

the permanent record of the court or of a file in the department or in an agency are subject to inspection only upon consent of the court and all interested persons; or in exceptional cases, only upon an order of the court for good cause shown.

(c) Except as authorized in writing by the adopted child if 14 or more years of age, or by the adoptive parent, or upon order of the court for good cause shown in exceptional cases, no person is required to disclose the name or identity of either an adoptive parent or an adopted child. (§ 1 ch 84 S.L.A. 1974)

Sec. 20.15.169. **Recognition of foreign decree affecting adoption.** A decree of court terminating the relationship of parent and child or establishing the relationship by adoption issued under due process of law by a court of any other jurisdiction within or outside of the United States shall be recognized in this state and the rights and obligations of the parties as to matters within the jurisdiction of this state shall be determined as though the decree were issued by a court of this state. (§ 1 ch 84 S.L.A. 1974)

Sec. 20.15.170. **Birth certificates.** Within 30 days after an adoption decree becomes final, the clerk of the court shall, if requested, prepare an application for a birth certificate in the name of the adopted person and forward the application to the appropriate vital statistics office of the place, if known, where the adopted person was born and forward a copy of the decree to the department for statistical purposes. (§ 1 ch 84 S.L.A. 1974)

Sec. 20.15.180. **Relinquishment and termination of parent and child relationships.** (a) The rights of a parent with reference to a child, including parental right to control the child or to withhold consent to an adoption, may be relinquished and the relationship of parent and child terminated in or before an adoption proceeding as provided in this section.

(b) All rights of a parent with reference to a child, including the right to receive notice of a hearing on a petition for adoption, may be relinquished and the relationship of parent and child terminated by a writing, signed by the parent, regardless of the age of the parent, a copy of which shall be given to the parent.

(1) In the presence of a representative of an agency taking custody of the child, whether the agency is within or outside of the state or in the presence and with the approval of a court within or outside of the state in which the minor was present or in which the parent resided at the time it was signed, which relinquishment may be withdrawn within 10 days after it is signed or the child is born, whichever is later, and the relinquishment is so filed unless it states that the parent has this right of withdrawal, or

(2) in any other situation if the petitioner has had custody of the minor for two years, but only if notice of the adoption proceeding has

Copies made  
SR 399

To: Senators Parr, Colletta, Fischer, Stimson, Kelly

From: Janet Boylan, 409 E 23rd, Anc S9503; 276-4495

Some adopted children need to find out where they came from. They need a method of gaining this information as adults. The birth parent's confidentiality should be respected if desired.

LAW OFFICES OF  
ALASKA LEGAL SERVICES CORPORATION  
410 SIXTH STREET, SUITE 322  
JUNEAU, ALASKA 99801  
TELEPHONE (907) 586-6425

MEMORANDUM

TO: Kevin Bruce  
FROM: Bruce Horowitz *BjH*  
DATE: March 10, 1981  
RE: Adoption Act Amendment Suggested by the  
Alaska Supreme Court

At the present time, Alaska's Adoption Act, AS 20.15 provides for both relinquishment of parental rights and parental consent to adoption. AS 20.15.180(b), concerning relinquishment, provides that the natural parent be given a copy of the signed relinquishment form, and also requires that the "relinquishment may be withdrawn within 10 days after it is signed or the child is born, whichever is later; and the relinquishment is invalid unless it states that the parent has the right of withdrawal [.]"

AS 20.15.070, concerning withdrawal of consent, also provides for automatic withdrawal of consent within 10 days. However, AS 20.15.070 contains no language explicitly requiring that a copy of the consent form be given to the consenting person or that the form of consent contain a notice that the person may withdraw consent within 10 days or thereafter.

In the Alaska Supreme Court case of B.J.B.A. vs. M.J.B., 620 P.2d 652 (Alaska 1980), the court recognized that consent forms as well as relinquishment forms should contain a clear notice of the right to withdraw consent in an adoption proceeding.

No matter who is right or wrong in a contested adoption case, the lack of clarity in the statute has led in the past, and will lead in the future, to real suffering on the part of the natural parents, the adoptive child, and the adopting parents. In the instant case, the status of the minor child who is the subject of the adoption contest proceeding has been uncertain for three years, and the case could easily go through another hearing in the superior court and another appeal to the supreme court. It is clear that all of the parties in this case are suffering, simply because the natural parent was never informed that the consent could be withdrawn automatically within the 10-day time limit or thereafter before the entry of the Decree of Adoption.

Kevin Bruce  
March 10, 1981  
Page Two

Two of the justices on the Alaska Supreme Court concluded that the lack of notice of consent was a violation of constitutional due process. However, the three-member majority did not recognize a due process violation. All of the justices concluded that the "withdrawal of consent" section of the Adoption Act should be modified to include the notice provision.

The attached draft amendment to AS 20.15.060 is offered as a method of relieving the hardship presently being visited upon minor children and their natural and adoptive parents.

BH:vb

# Local adoptee rediscovers family

by Helen Gillett Thompson  
Times Writer

2/6/81

The most wonderful thing has happened to Vicki Anderson.

Adopted as a baby, she's just been reunited with her family, her natural mother and five brothers and sisters.

One of her sisters, Julie Pieracini of San Francisco, is here visiting right now and they couldn't be more pleased with each other.

However, this happy thing didn't just fall out of the sky as a surprise. Mrs. Anderson made it happen with five years of dedicated and often expensive sleuthing.

Her long search climaxed Jan. 10 with a phone call from her oldest sister, Gail. She was calling in answer to a certified letter from Vicki, who'd finally tracked down her name.

"We've missed you for 36 years!" Gail told her tremulously. "You're our baby sister and I used to change your diapers!"

Then she gave Vicki a list of other family members, their addresses and phone numbers. And Vicki got to talk to her mother, whom she had thought was dead.

"She's 65, but she's so bright and funny and chipper," Vicki said. "She's doing just great!"

Two days later, just as soon as she could arrange to leave her husband, Don, and the two teen-age children, Vicki flew to San Francisco. All but one of the family live there. Her minister brother, whose home is in the Boise, Idaho, area, flew in.

It was a real storybook affair. On that day the adoptive parents who raised Vicki sent her natural mother a beautiful bouquet of flowers with a note that said: "Thank you for having such a beautiful daughter, whom we have loved for 36 years."

And they called Vicki to tell her how happy they were about it, to congratulate her on her detective work — and to point out a coinci-

dence. It had been on Jan. 12, 36 years before, that "you were placed in our arms."

Now Vicki says she has two families, and enough love for everybody. Her adoption had been privately arranged, with Vicki placed in a family of similar stable background, at a time when her own family was overwhelmed with troubles. There were seven children in all, the mother was very ill, and the father died shortly thereafter.

"But when one of the children's gone, there's always a little hole inside of you, a little emptiness," Julie said.

Here in Anchorage, the two sisters, two years apart in age, look much alike and have discovered many of their interests are the same. They wear similar styles of clothing — tailored shirts and blazers — and even have similar casual hair-dos. Each has two teen-age children. They both like burgundies and other sophisticated shades. Ceramics, weaving and sewing, furnishings, foods, cookery are their hobbies. And when they're on the phone, they doodle boxes and figure-eights of striking similarity.

Their husbands laugh about it. "Could there be two like this?" they say. And they're delighted, the women say.

With Vicki, the turning point in her search was learning the family name. She knew that at one time, at least, they'd been in the Bay Area and she started by calling and writing everybody with that last name. When this led to nothing, she approached the state Department of Social Services. They confirmed they had adoption records for Vicki but under law could give her only limited information, such as the family medical history.

But that turned up the fact that a brother had recently died. Death certificates are public record, so Vicki sent for a copy — and it in-

cluded the name and address of her sister, who had identified the body.

With that key piece of information, she sent Gail a certified letter, Gail called back, and the whole reunion was in motion.

Both women think that finding each other is one of the most important things that ever happened to them, and they'd like to help other people with the same quest.

For one thing, they've located organizations, such as Yesterday's Children and Concerned United Birth Parents, that would probably be helpful to other siblings looking for each other. And they'd like to support legislation that would let state agencies release information to brothers and sisters who've been separated.

All seven children grew up in the Bay Area without knowing it, and both women were always being asked if they didn't have a twin living nearby.

"And one year we believe we were at the same summer camp, without knowing it," Julie said.

The Andersons, who have their own electrical and mechanical design and management consultant business, will continue to live in Anchorage. He was born and grew up in Alaska and she has grown to love the country also. But they'll stay in close touch with Vicki's two families, her adoptive parents in Florida and her brand new family in San Francisco.

"That empty place inside is all gone now," Julie said. "And it sure does feel good."

to his former relatives for all purposes including inheritance, unless the decree of adoption specifically provides for continuation of inheritance rights, and the interpretation or construction of documents, statutes, and instruments, whether executed before or after the adoption is decreed, which do not expressly include the person by name or by some designation not based on a parent and child or blood relationship; and

(2) to create the relationship of parent and child between petitioner and the adopted person, as if the adopted person were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, which do not expressly exclude an adopted person from their operation or effect.

(b) Notwithstanding the provisions of (a) of this section, if a parent of a child dies without the relationship of parent and child having been previously terminated and a spouse of the living parent thereafter adopts the child, the child's right of inheritance from or through the deceased parent is unaffected by the adoption. (§ 1 ch 84 SLA 1974)

The effect of an adoption is to permanently terminate the legal relationship of parent and child, except when the natural parent is the spouse of the adopting parent. *Delgado v Sweett*, Sup. Ct. Op. No. 953 (File No. 1594), 515 P.2d 710 (1973).

The adopter's parents are as much the adopted child's grandparents as the

child's natural grandparents by virtue of this section, the adoption statute. *Rasco v Moran*, Sup. Ct. Op. No. 646 (File No. 1228), 475 P.2d 696 (1970).

Am. Jur. and ALR references. — 1 Am. Jur., Adoption of Children, § 51 et seq.

Descent of property of adopted child, 42 ALR 534; 170 ALR 742.

**Sec. 20.15.140. Appeal and validation of adoption decree.** (a) An appeal from any final order or decree rendered under this chapter may be taken in the manner and time provided for appeal from a judgment in a civil action.

(b) Subject to the disposition of an appeal, upon the expiration of one year after an adoption decree is issued, the decree may not be questioned by any person including the petitioner, in any manner upon any ground, including fraud, misrepresentation, failure to give any required notice, or lack of jurisdiction of the parties or of the subject matter, unless, in the case of the adoption of a minor the petitioner has not taken custody of the minor, or, in the case of the adoption of an adult, the adult had no knowledge of the decree within the one-year period. (§ 1 ch 84 SLA 1974)

**Sec. 20.15.150. Confidential nature of hearings and records in adoption proceedings.** (a) All hearings held in proceedings under this chapter shall be held in closed court without admittance of any person other than essential officers of the court, the parties, their witnesses, counsel, persons who have not previously consented to the adoption but are required to consent, and representatives of the agencies present to perform their official duties.

(b) All papers and records pertaining to the adoption whether part of

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the permanent record of the court or of a file in the department or in an agency are subject to inspection only upon consent of the court and all interested persons; or in exceptional cases, only upon an order of the court for good cause shown.

(c) Except as authorized in writing by the adopted child if 14 or more years of age, or by the adoptive parent, or upon order of the court for good cause shown in exceptional cases, no person is required to disclose the name or identity of either an adoptive parent or an adopted child. (§ 1 ch 84 SLA 1974)

**Sec. 20.15.160. Recognition of foreign decree affecting adoption.** A decree of court terminating the relationship of parent and child or establishing the relationship by adoption issued under due process of law by a court of any other jurisdiction within or outside of the United States shall be recognized in this state and the rights and obligations of the parties as to matters within the jurisdiction of this state shall be determined as though the decree were issued by a court of this state. (§ 1 ch 84 SLA 1974)

**Sec. 20.15.170. Birth certificates.** Within 30 days after an adoption decree becomes final, the clerk of the court shall, if requested, prepare an application for a birth certificate in the name of the adopted person and forward the application to the appropriate vital statistics office of the place, if known, where the adopted person was born and forward a copy of the decree to the department for statistical purposes. (§ 1 ch 84 SLA 1974)

**Sec. 20.15.180. Relinquishment and termination of parent and child relationships.** (a) The rights of a parent with reference to a child, including parental right to control the child or to withhold consent to an adoption, may be relinquished and the relationship of parent and child terminated in or before an adoption proceeding as provided in this section.

(b) All rights of a parent with reference to a child, including the right to receive notice of a hearing on a petition for adoption, may be relinquished and the relationship of parent and child terminated by a writing, signed by the parent, regardless of the age of the parent, a copy of which shall be given to the parent.

(1) in the presence of a representative of an agency taking custody of the child, whether the agency is within or outside of the state or in the presence and with the approval of a court within or outside of this state in which the minor was present or in which the parent resided at the time it was signed, which relinquishment may be withdrawn within 10 days after it is signed or the child is born, whichever is later; and the relinquishment is invalid unless it states that the parent has this right of withdrawal; or

(2) in any other situation if the petitioner has had custody of the minor for two years, but only if notice of the adoption proceeding has

(b) The petitioner or his attorney shall furnish with the petition for adoption information in the possession of the petitioner necessary to prepare the adoption report. The social, welfare agency or other person concerned shall supply the court with additional information in his possession necessary to complete the report. The furnishing of the information is a prerequisite to the issuance of a final decree in the matter.

(c) Whenever an adoption decree is amended or vacated, the court shall prepare a report on a form prescribed and furnished by the bureau. The report shall include the facts necessary to identify the original adoption report and the facts amended in the adoption decree necessary to properly amend the original report, or the new certificate of birth if already established.

(d) Before the 11th day of each calendar month, the court shall forward to the bureau reports of decrees of adoption, including those vacated or amended, which were entered in the preceding month, together with the related reports the bureau requires.

(e) When the bureau receives a report of an adoption, or vacation or amendment of an adoption from a court for a person born outside the state, a copy shall be made for the bureau's files and the original shall be forwarded to the appropriate registration authority in the state of birth. (§ 17 ch 118 SLA 1960)

Am. Jur. reference. — 1 Am. Jur.,  
Adoption of Children, § 49.

**Sec. 18.50.220. New certificate of birth.** (a) The state registrar shall establish a new certificate of birth for a person born in the state, upon proper request that the certificate be made, and upon receipt of

(1) an adoption report as provided in § 210 of this chapter, or a certified copy of the decree of adoption from a court of competent jurisdiction in another state, together with the information necessary to identify the original certificate of birth and to establish the new certificate of birth; however, a new certificate of birth may not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person if he is of legal age; or

(2) the evidence required by law and regulation proving that the person has been legitimated.

(b) When a new certificate of birth is established, the actual place and date of birth shall be shown. The new certificate shall be substituted for the original certificate of birth, and

(1) thereafter, the original certificate and the evidence of adoption or legitimation are not subject to inspection except upon order of the superior court or as provided by regulation; however, the regulation shall allow inspection by an agent of the state or federal government acting in the performance of his official duties;

(2) upon receipt of a report that an adoption has been vacated, the original certificate of birth shall be restored to its place in the files and

the new certificate and evidence are not subject to inspection except upon order of a superior court.

(c) If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed certificate of birth shall be filed with the bureau as provided in this chapter, before a new certificate of birth may be established.

(d) When a new certificate of birth is established by the state registrar, he shall direct the disposition of and substitution for all copies of the original certificate of birth in the custody of a local registrar of vital statistics or other local custodian of the records. When an adoption has been vacated, he shall instruct the local officials as to a necessary action. (§ 18 ch 118 SLA 1960)

**Sec. 18.50.230. Death registration.** (a) A death certificate for each death which occurs in the state shall be filed with the local registrar of the registration district in which the death occurred within three days after death and before final disposition of the body or removal of the body from the state, except as provided by regulation in special problem cases. For the purpose of this section, if the place of death is unknown, a death certificate shall be filed in the registration district in which the dead body is found. When a death occurs on a moving conveyance a death certificate shall be filed in the registration district in which the dead body is first removed from the conveyance.

(b) The funeral director or person acting as the funeral director who first assumes custody of a dead body shall file the death certificate. He shall obtain the personal data from the next of kin or the best qualified person or source available. He shall obtain the medical certification of cause of death from the person responsible for this information.

(c) The medical certification shall be completed and signed within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when an official inquiry or inquest is required and except as provided by regulation in special problem cases.

(d) When a death occurs without medical attendance, or when an official inquiry is required, the department shall provide by regulation, in accordance with law, the responsibility for completing and signing the medical certification. This subsection is intended to include, among others, cases involving a medical examiner or a coroner, and cases involving presumption of death. (§ 19 ch 118 SLA 1960)

Am. Jur. reference. — 16 Am. Jur.,  
Death, § 16.

**Sec. 18.50.240. Fetal death registration.** (a) A fetal death certificate for each fetal death which occurs in the state shall be filed with the local registrar of the registration district in which the delivery occurred within three days after the delivery and before final disposition of the fetus or removal of the fetus from the state, except as provided by regulation in special problem cases. However, the filing of

Alaska, upon adoption or legitimation and the submission of the required documents and other necessary information as required by the State Registrar; provided that such new certificate of birth shall not be established in cases of adoption if such negative request be received from the court decreeing the adoption, the person himself if of legal age, or from the adoptive parents. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.220  
AS 25.20.050

**7 AAC 05.710. REQUEST.** Proper request for a new certificate shall be considered a written and signed request: in the case of adoption, from the adoptive parents, or from the adopted person if of legal age; and in the case of legitimation, from one of the parents, or from the legitimated person if of legal age. The form and type of request acceptable shall be determined by the State Registrar. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.220  
AS 25.20.050

**7 AAC 05.720. FORM OF CERTIFICATE.** The new birth certificate shall be prepared upon the same type of form, and look as much like a regular birth certificate as possible. Nothing on it shall state or refer to the fact that it is a new certificate. The actual date and place of birth shall be shown, and any question of legitimacy shall be answered in the affirmative. The name on the birth certificate shall be as ordered in the decree, if so specified; otherwise as requested by the parents. The name of the attendant or other person signing the original certificate shall be copied on the new certificate. The personal particulars shall reflect as much as possible the new situation of adoption or legitimation, and these and any other items shall be completed as specified by the State Registrar. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.220  
AS 25.20.050

**7 AAC 05.730. FILING OF CERTIFICATE.** When the new certificate of birth has been established, it shall be substituted in place of the original certificate. All references to the original certificate shall be removed or deleted from the regular indexes, and from any other source to which the public might have access. The original

certificate, any attachments thereto, and all correspondence, decrees, adjudications, or other reference to the adoption or legitimation shall be sealed away from any inspection except upon order of a superior court; provided that the State Registrar may open all or part of such sealed file for inspection by the person whose record it is, if of legal age; by an agent of the state or federal government acting in the performance of official duties; or for any necessary administrative purpose within the bureau. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.220  
AS 25.20.050

**7 AAC 05.740. PROCEDURE ON ADOPTION.** Upon receipt of a report that an adoption has been vacated, the original certificate of birth shall be restored to its place in the files; and the new certificate together with all evidence and related material shall be sealed away from inspection except upon order of a superior court, or for administrative inspection by the State Registrar. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.220  
AS 25.20.050

**7 AAC 05.750. NEW ORIGINAL CERTIFICATE.** If no certificate of birth is on file for the person for whom a new certificate is to be established, an original certificate must be prepared and registered in accordance with the provision of the Vital Statistics Act, these regulations, and the instructions of the State Registrar before a new certificate of birth may be established. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.220  
AS 25.20.050

**7 AAC 05.760. SEALING OF COPIES.** When a new certificate of birth is established in the bureau, the State Registrar shall direct that any local copies of the original record in the custody of local recorders be sealed away from inspection except upon order of a superior court or demand of the State Registrar. Upon the vacation of any adoption, the State Registrar shall direct the proper disposition of any pertinent local records. The State Registrar may supply a copy of the new certificate to the same local recorder to substitute in place of the



# Catholic Social Services

811 W. 6th Ave.  
Anchorage, Alaska 99501  
(907) 277-2554

May 20, 1981

TO: Whom It May Concern  
FROM: Sister Mary Clare, ACSW  
Director  
RE: AS399

I felt it important to forward to you the correspondence and comments Mr. Benjamin W. Eide, of the Region 10 Adoption Resource Center located in Seattle, and also Staff Associate for Planning and Research of the Children's Home Society of Washington, made regarding this proposed adoption legislation.

I had the opportunity to present our proposed legislation to Mr. Eide at the recent steering committee meeting for the adoption resource exchange. At that time I asked him to review this legislation in view of his in-depth knowledge of adoption. I believe he has raised a number of important points that should be considered and would ask that you do so.

I thank you for taking the time to peruse Mr. Eide's comment and we would be most interested in your response to them.

SMC:mei

cc: Senator Charles Parr  
Representative Terry Martin  
Senator Pat Rodley  
Kay Smith, Div. of Family and Youth Services  
Nina Kinney, ICPC

*Every child comes with a message  
that God is not yet discouraged with man.*





AS Senate Bill #399

In reading this proposed legislation, I am struck by what seems to be a selective merging of two or three existing pieces of legislation from other states far removed from Alaska. It would seem to me that each state's laws should reflect the needs and thinking of the state. I don't think this proposed bill reflects Alaska so much as it does other states and with little practical application for the actual search process of the adopted person. It has some impractical restrictions particularly prohibiting "contact by mail". Mail contact is economical as well as effective.

SB 399 cites the Alaska State code for confidentiality with which I am unfamiliar. I see no explicit penalty for violation of any provision in SB 399 which weakens the proposed bill considerably. Additionally, licensed child placing agencies are not treated as equal to the "commissioner," a serious oversight. Also, there is no expressed provision to remove medical information from the sealed record; that is, allowing complete medical information to be divulged at any time on request of the adopted person or the adoptive parents while the adoptee is in his/her minority.

The following is itemized comments to SB 399.

1. Sec. 18.50.150(a), lines 14-19, p.1 Change wording to "commissioner or child adoption agency." These two should be on a par. In my experience the child-placing agency has more useful "search" information in its records than either the court or public agency. Additionally, child placing agencies should have an explicit statutory base in providing information and services to the adoptee-in-search.
2. Sec. 18.50.150(b), lines 20-22 p. 1. Delete in its entirety. This should be a partnership effort, at the very least, in serving post-adoptive clients. The commissioner would not have any idea of what information is contained in the agency record and whether it would indicate whether a search is appropriate or inappropriate.
3. Sec. 18.50.520(a) lines 4-5, p. 2. Prohibiting contact by mail is generating an expensive and time-consuming procedure. This is essentially a "due process" procedure and registered mail, return receipt requested, should be employed not only for expediency but also for agency record documentation.
4. Sec. 18.50.520(c) lines 4-9, p.3. A period of six months is too short. Searchers may take from 30 minutes to 45 years. The average length of search in Washington State is 3.5 months. One cannot assume that a biological parent relinquishing a child in Alaska would forever remain in Alaska and easier to find. Secondly, women tend to change their names oftener than men which increases the difficulties in finding them. Allowing only 6 months may do much injustice to the relinquishing parent. Twelve months would seem to be a better time period if there is a proviso for unusual circumstances.
5. Sec. 18.50.520 (f) lines 18-19, p. 3. Last sentence seems ambiguous. Would recommend adding "of the petitioner," after "request" on line 19.

(over)

- 6. Sec. 18.50.550 Release of Information. It appears this entire section relates to the divulgence of non-identifying information only. It is a wise provision to have in the law. Recommend the initial paragraph state something to the effect it applies to non-identifying information affected by this section. Further an additional clause citing "information is contained in the agency record at the time of the relinquishment or adoptive placement of the child." As a point of information, I have found about 20% of the information given to us by the relinquishing parents is misleading or actually false and we are then accused of lying to the adopted person once he or she has found the biological family. I now state that the information I give is an accurate accounting of that contained in our record according to the informant who originally gave us the information.
- 7. Sec. 18.50.550(6) lines 12 and 13, p 5. This should be clarified as to the existence of other children at the time of the birth of the adopted person.
- 8. Sec. 18.50.600 Definitions add definition of "non-identifying information" and "medical information."
- 9. Sec. 3 AS 20.15.150(b) line 11, p. 7 This consent and wherever consent is required should be a written and verified consent to protect the agency. Perhaps consent could be so defined in the Section on Definitions.
- 10. Finally, I see no proviso for the commissioner or agency to request a court review of the disclosure order if after perusal of the record it would seem best not to divulge the information. This is available to us in Washington State. The court, of course, has final determination on disclosure but regardless w agency served the adoptive and biological parents and the child there should be capability for the agency to respond formally to the court in unusual circumstances. We have had to do this on several occasions and had the cooperation of the court.

# The Baby-Go-Round: Want-Ad Adoptions

By Grace Lichtenstein

"...Put off by official red tape, couples are increasingly taking adoption into their own hands and advertising to find a child..."

**A**T FIRST GLANCE, HEATHER Smith's baby book looks as if it could belong to any one-year-old—pink satin cover, snaps, a lock of hair. But on a page entitled "First Phase," there is a classified advertisement clipped from *Newsday*. "PREGNANT? Young college grad couple wants to adopt newborn Caucasian baby. Will pay expenses. Call Collect."

Four months before Heather was born, her natural mother, a frightened college student from Queens, saw that ad and hesitantly dialed the New Jersey phone number that Roberta and Arthur Smith had included in it. Later, outside a hospital maternity ward, the student handed her newborn white infant girl to the beaming Smiths. The next week, the couple mailed an exultant announcement to their friends, proclaiming, "A baby was born for us... Heather Ann... June 14, 1980."

The ad represents a new, apparently legal, and highly successful twist in the practice of private adoption. It was suggested to the Smiths by Stanley B. Michelman, New York's best-known, most controversial adoption lawyer.

To his clients, Michelman is "Mr. Stork," a caring man who has helped hundreds of childless couples find white babies. To his critics, he is a baby broker who operates in a gray market for big bucks.

*The names of all natural and adoptive parents and children and minor details in their stories have been changed to protect their privacy.*

In most states, it's illegal for a lawyer or anyone but an adoption agency to act as the agent in placing a child for adoption, just as it's illegal for a mother to sell her baby outright. There's nothing illegal, however, about a parent's giving a child to another couple for adoption or about a lawyer's getting paid to handle the transaction. This is private adoption, and today it's flourishing.

As traditional adoption agencies have come under sharp attack, largely for



their long delays in matching babies with new parents, an increasing number of couples are turning to lawyers.

Michelman practices. In 1980 he was involved in over 100 adoptions, he says. By contrast, Spence-Chapin, a leading nonsectarian agency, placed only 57 Caucasian children; Lewis Wise, a leading Jewish agency, only 18.

But Michelman and his methods also have their critics. Some adoption workers claim that prospective parents aren't adequately investigated under the private system, and that bad placements can occur. Because private adoptions are handled quickly, the natural mother sometimes demands her child back.

Most serious of all, adoption lawyers

and natural mothers have been accused of accepting large, under-the-table bundles of cash from grateful adoptive families. The shorthand term for the occasion is "baby selling." Two years ago, a Manhattan jury acquitted Michelman of baby-selling charges.

Everyone interviewed for this article denied making or receiving illegal payoffs. Still, the suspicion persists that, whatever the advantages of private adoption, it can in some cases lead to profane practices.

## ARTHUR AND ROBERTA

**T**HE SMITHS' BIRTHDAY PARTY in Heather's honor was set to be held over Sunday. But the oak dining room table was already set with crystal and linen napkins when I arrived Saturday morning at the Smiths' Pompton Lakes condominium. Roberta, a 36-year-old full-time housewife, then-embled New York in the land her family's story.

"I went through so much with fertility experts that this was my dream," she said of the adoption process. She and Arthur, vice-president for sales at a major industrial firm, had been married for six years. Like many couples who want to adopt, they had asked their own opinions first, only to be worried that they might not have a newborn white baby. Finally, Arthur suggested they see Stanley Michelman, whose reputation they knew well.

Michelman made no direct promises,

# "...The Smiths said they paid \$2,000 in lawyers' fees to adopt their daughter—a far cry from the \$50,000 rumored on the grapevine..."

but he advised them to place a classified advertisement in *Newsday* or another paper on his list of those that accept adoption requests. Many of his clients, he told the Smiths, had gotten a child within six months of the appearance of their first ad.

Unlike a number of other Michelman clients, the Smiths didn't bother to install a special unlisted telephone; they put their regular number in their ad. Seven women responded within a week. As expected, few calls were outrageous. One woman was putting her baby up for the best price, according to Arthur. Another said she didn't want to turn hers over to Jews. Roberts wound up interviewing three of the "applicants" face to face in Michelman's midtown-Manhattan office. The Queens student stood out.

"I instantly fell in love with her," said Roberts. "She felt the same about me. I just knew she was carrying our baby." The student told Roberts that she'd originally planned to get an abortion but had procrastinated until it was too late. "I'm personally against abortion now," Roberts said. "After all, my daughter could have been an abortion."

With Michelman as consultant, a New Jersey lawyer put the agreement in writing. The Smiths would pay the eight-year-old woman's medical and hospital costs. Once the baby was born, the woman would formally surrender her rights to the child. A physician would check the newborn to make sure it was healthy. The adoption by the Smiths wouldn't be valid until the woman came until a year after the birth.

Once the details were worked out, the wait began. As the days numbered down, the real worry for her was "What if she changes her mind and wants the baby?" Arthur recalled Roberts checked the program woman in Queens every two weeks. If they hadn't met through the *Newsday* ad, Roberts thought, they might have been real life friends. The curtain between them even made Roberts feel "a little bit pregnant." Finally, the call came from the student's aunt: "You have a beautiful baby girl," she said. Michelman announced a bottle of champagne with the Smiths to celebrate.

The Smiths said their total bill for New York and New Jersey lawyers' fees was \$2,000—a far cry from the rumored \$50,000 that New York couples hear on the adoption grapevine. The arrangement didn't amount to baby selling, Arthur stressed, because the natural mother didn't get a penny more than reasonable expenses.

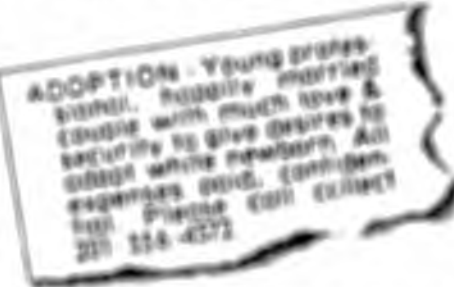
As we speak, Heather, the kind of

adorable blond baby you see in baby-shampoo commercials, sat on the carpet sucking a cracker. "If we had to pay a hundred thousand to get another child from this mother, I'd do it. Money can't buy this," Roberts said, scooping Heather up in her arms.

The natural mother had told them Heather's father was a fellow student. Two months before the baby's first birthday, Roberts could no longer contain her curiosity. She had a friend telephone the man, pretending to be a secret admirer. Could they get together on a blind date? The man agreed to meet her in a Queens bar, near the college.

On the appointed evening, Arthur, Roberts, and the friend trooped into the bar. Without introducing themselves, they surveyed Heather's father from across the room. He was sort of cute, Roberts decided. They did not bother to tell him his "date" was a ruse.

Roberts has not spoken to the natural mother either since she and Arthur received Heather at the hospital. But in



Heather's baby book, Roberts has already prepared for the day her daughter will learn about her real mother. "She was pretty, even and just a lovely, lovely person," Roberts has written. "Because she was in college, she knew she was not the right one. But she wanted to give you life, and a good one at that."

## HAL AND MIRIAM

**T**he mother who was so startled with Heather and with the relative simplicity of the private-adoption process. Assuming that her natural parents don't regret their decision to allow her adoption, Heather discusses how her and parents the process can be fun and painless. However, she says it is important to understand a month as the Smiths did.

Hal and Miriam Cohen seem to have all the good points of a "model" couple. Both in their mid-thirties, they are an active, educated, affluent, sensitive. Their daughter's name is international. Whenad twelve years ago, they still hold

hands as they talk, sitting side by side on a couch in their den. Through Michelman, Hal and Miriam adopted three children. But they have been permitted to keep only two, and nearly had to give back one of those.

Six years ago, as it became clear they could not conceive children on their own, the Cohens signed with a well-known adoption agency. They had to wait two years just to reach the "prime" waiting list.

Miriam, in particular, found the agency demeaning. She said she felt "enough like a freak being unable to get pregnant." Yet the agency social worker who interviewed her showed little sympathy. "She was so cold! You're treated like you're just not quite as good as other women," said Miriam.

The Cohens turned to Michelman. He was not yet recommending advertising. He merely told the couple to call him every two weeks; perhaps he would hear soon about a program woman who was right for them.

Hal and Miriam used other attorneys whose names had been mentioned to them, with negative results. One lawyer wanted a \$1,000 "deposit." Others promised ways of getting South American and Communist-blob babies by smuggling them out of their countries. At one time, Michelman was part of a network that brought program women to the United States to deliver their babies for adoption.

Finally, Michelman told the Cohens to know of a Bronx girl, a woman who was about to deliver. He prepared all the legal documents for a \$2,000 fee. Shortly thereafter, the girl gave birth to a baby boy, whom the Cohens picked up as a local hospital. Arrangements were made to handle and relatives. The infant had a few, the Jewish circumcision ritual. The family was secure.

Fifteen days after the birth, the natural mother demanded her child back.

New York State law says that no man or woman can revoke her consent to the adoption within 30 days of giving it. There was little the Cohens could do. They returned their little baby boy.

"It was like having a child die," said Miriam.

Nonetheless, Michelman quickly managed to find another program woman through connections in Tampa, according to Hal. Would the Cohens consider again? "We were devastated the first time," Hal acknowledged. "But if we hadn't gone through it again, we would never have had her." Two-year-old Barbara, who sat on the lap, giggled as Hal reached for her.

**B**EFORE BARBARA WAS BORN, Hal and Miriam questioned the natural mother at length to make sure she had no desire to keep her child. "Please, you must be positive!" Miriam begged. "I am convinced she was certain, they paid her way to New York, with Michaelman again handling the legal end. Barbara left the hospital with the Cohens when she was 17-18 days old.

The required 30 days passed, and the Cohens began to relax. On the thirty-fifth day, an agitated Stanley Michaelman called Hal. "You're not going to believe the call. I just got from Florida," Michaelman said. A lawyer for the natural mother was demanding that Barbara be returned on the ground that the mother had been coerced into giving her up for adoption.

This time, the Cohens fought back. They hired a famous comedy lawyer. A private detective investigated the natural mother, reporting that she was a user of the drug angel dust. The Cohens planned lunch-dinner "meals," complete with a Grand Mexican peasant for Barbara and residence in Europe.

After months of turmoil and a painful court appearance at which the natural mother was grilled about her personal life, the Cohens "won." The custody suit was dropped. Barbara became the Cohens' legally adopted daughter before her first birthday. Three years later, they adopted their second daughter, Constance, with no complications.

Hal asked his elder daughter's husband, "When you get something like this," he said, "it's all worth it. Now we have two

**ADOPTION-LOVING couple unable to have baby desires to adopt white newborn. All medical expenses paid. Collect from 4 PM-12 PM 212-206-1000. ADOPTION-LOVING Prof couple wish to adopt white infant. Expenses covered. Call after 7 PM.**

normal kids." As if on cue, Barbara stood up on her legs, stretched out her arms, and took a bow.

### AUDREY AND SUSAN

**N**EW YORK CITY RECORDS indicate that it's rare for adoptees to be contacted by the natural parents. Michaelman insists that if he serves a pregnant woman doesn't really want to surrender her child, he won't let his clients continue dealing with her.

But how can anyone be certain? Two women, introduced to me by Michaelman, declared they had no regrets about turning a child over for private adoption.

Audrey, a pensive seventeen-year-old with a passing resemblance to Marylin Sorey, gave up her baby last year. She was quite serene in the wake of her disastrous marriage. She had been sixteen at the time, her husband twenty. They met while he was stationed at an army base near her home in Arlington. Soon after they wed, they moved to New York, her hometown, to live with her parents. Audrey's mother-in-law hated her. Audrey's husband, discharged from

the army and unemployed, began to slap her around. By the time she discovered she was pregnant, Audrey was convinced that her marriage was a mistake.

Her husband ordered her to get an abortion. Audrey refused. She was a Roman Catholic and considered abortion immoral. Without telling her husband, she visited adoption agencies.

"They were very uncaring," she said with a soft southern accent. "Their attitude was 'All we want is the child. We're not going to tell you anything.' It was like they were saying, 'Go on hell, if you'll pardon the expression.'"

One day, searching the *Ninetyday* classified for apartment rentals, she came across the adoption ads. She telephoned one number and found that the family was represented by Michaelman. They wanted her unborn child. Relieved, she met with Michaelman, who arranged for Audrey and her husband to move into a Park Avenue South apartment until she gave birth. She never met the adoptive parents, although they frequently talked to her by phone. "We got to be very close," Audrey said of the woman who is now mother to her child. "She was there when I needed her. She's a happy lady, and I'm tickled to death. My son has everything he's ever going to want or need. He has the best set of loving parents anyone could ask for."

Audrey said that her husband had urged her to hurry to induce early labor. He never got to see his son. The adoptive parents collected the child from the hospital while Audrey deliberately delayed telling her husband she had delivered. Afterward, Audrey

## Getting a Baby: Agencies vs. Lawyers

**D**URING THE SUBSEQUENT weeks, thousands of children are adopted here each year. Figures provided by Joseph B. Williams, the deputy administrative judge for New York City Family Court, show that a total of 151 adoptions were granted in that court in 1982. Of those, agencies handled 77, lawyers handled 234, many of which involved one spouse's formally adopting the other's children from a previous marriage.

The most obvious difference between agency and private adoptions is speed. An agency, controlling it is safeguarding the child, conducts a rigorous and time-consuming investigation of each potential adoptive family before placing a child. Thus, newborns in agency care almost always are in foster homes for some time. In private adoption, on the other hand, a couple often receives a baby within a few days of its birth, even though the infant cannot be certified as legally adopted for six months.

This is the agency procedure as outlined by Section-Chapter 26. An inquiry committee gathers basic information from a prospective couple. The couple then attends group meetings to discuss various aspects of adoption. Prospective parents seeking a non-handicapped, Caucasian child are told they may have to wait as long as a year. For couples willing to accept a "hand in glove" child, the wait is considerably shorter. These couples move through "in-

take" interviews, sometimes done as six months after the couple has first visited the agency. A Section-Chapter committee reviews the application. If the family is approved, another three to six months—called "the home-study period"—goes by while agency social workers observe the prospective parents and visit their home. Meanwhile, in most cases, the agency has obtained from the natural parents a "voluntary surrender" of rights to the child, so a court has jurisdiction over the child because of abandonment, for example. Finally, the agency delivers the child to its new parents, and the family undergoes six months of supervision by agency social workers before the adoption is completed.

Private adoptions generally proceed more quickly. Often before the child's birth, a lawyer handles preliminary arrangements for the natural parents to turn over a child to an adoptive family. Once the family gets the baby, it petitions the court for adoption, and the natural parents sign over documents concerning the adoption. Natural parents then have 30 days to retract this consent, unless they have expressed in court and confirmed it. In the next six months, a representative of the court's probate division investigates the adoptive home. (In practice, that can amount to a single visit.) The adoptive parents must wait six months after filing the petition to obtain the formal court order granting the adoption.

# “...I wanted my son to have a good home,” said one mother who answered an ad. ‘I just gave birth to him; I’m not his parent’...”

moved back to Arkansas, got a divorce, and is now finishing high school. The only money she received, she said, was \$85 a week during her pregnancy for food and household expenses.

Does she have any second thoughts? “None,” she said firmly. “I wanted my son to have a good home. I just gave birth to him; I’m not his parent. I was blessed with finding that ad.”

**S**UZAN, a 24-year-old factory worker eight months pregnant, was openly emotional. But she seemed determined to give her baby away. She already has a daughter by her former husband. As tears ran down her cheeks, she explained that her unborn child was conceived when a boyfriend, whom she had kicked out, stormed back into her house, beat her, and raped her.

Suzan had irregular menstrual periods, so she didn't know she was pregnant, she said, until her fifth month. By then, she could feel the baby move. That ruled out abortion “because it would have been murder.”

Like Audrey, she found an adoption ad by accident. Until then, she had been inclined to keep the child. “My best friend and I talked about it for days,” she said. “If I kept the baby, the father would have an excuse to see me, and I didn't want my daughter to see him beat up on me again.”

The ad in an agency newspaper had been placed by another Multihman couple. They paid for plane tickets to New York for Suzan, her daughter, and her best friend. The adoptive mother, Suzan recalled, “seemed real excited. The baby's gonna have a good home. That's something I couldn't give it. It always be good.”

Suzan was living in a Manhattan studio apartment paid for by the prospective parents. She assumed that she will continue to live adoption until she delivers. The adoptive couple, she explained, “want the nice people, happy people. I'm not the kind to make other people unhappy.”

**T**HE WOMAN WHO ANSWERED THE AD... (Text is partially obscured and difficult to read in the original image)

... (Text is partially obscured and difficult to read in the original image)

children adopted privately through attorneys “are being abandoned and are now coming back into the system.”

Jane Edwards, executive director of Spence-Chapin, contended that a privately adopted child “can often be placed in a dangerous situation,” with a family unable to cope with illness or other problems.

A recent report by City Council President Carol Bellamy, on the other hand, labels the agency system a failure. The report says children in the agency system—most of whom are black or Hispanic—spend an average of seven years bouncing from one foster home to another before being adopted. Horror stories abound, such as the case of Michael Walden, the eight-year-old who was taken from a foster home, returned by Connecticut authorities to his real mother,



and even in July, began to drift. Many of the clients who turn to agencies like Multihman demand a Caucasian child. Even if they would accept a minority group baby, however, choosing a newborn from an agency is almost impossible, according to Penny Jones, a court-appointed advocate who monitors adoptions. The real hope that's supposed to prevent the child abuse the process is a painful one.

Private adoptions are quicker but more costly and public officials look upon them with suspicion. One family man lawyer said he worries that the system has become a profitable business for an “exclusive international network of private women babies.”

A recent book by Lynn McTaggart, *The Baby Business*, contends that Multihman before his indictment and arrest, handed babies over to parenting units in adoptive parents took such payments from the adoptive parents and claimed to have paid babies' fees to an intermediary who located pregnant women. McTaggart also worked at Multihman's office for a close-up view of the process, as well as the donor's home whether the lawyer will use those methods.

Multihman and his lawyer, his said that, though pregnant women occasionally come to him on their own, his principal method these days is to suggest the

classified. Advertising, he noted, has the advantage of letting clients make the first connections on their own.

Even the ad system is controversial, however. Some major newspapers have enough doubts about adoption ads to bar them from their columns. Len Harris, director of corporate relations for the New York Times Company, said the paper refuses them. “We could be inadvertently aiding and abetting the black market of baby selling,” he said. The Times does accept ads from adoption agencies.

Jack Squire, promotion director for Newsday, noted that “there is nothing illegal or improper” about private adoption ads.

The Adopting Parents Committee of New York, which provides help to couples who want to learn about private adoption, doesn't take a position on ads. But Joseph Rosella, a vice-president, said he favors using them, though “you do have to be a little careful in screening, and you're subjecting yourself to possibly word phone calls.”

How much should an adoption cost? The Adopting Parents Committee says it's legal for others \$1,000 in expenses. Multihman said his legal fees are in the \$1,000 to \$1,500 range. Spence-Chapin charges up to \$1,000 depending on the adoptive parents' income.

**C**OULD YOU... (Text is partially obscured and difficult to read in the original image)

... (Text is partially obscured and difficult to read in the original image)

COMMITTEE REPORT  
SENATE

FURTHER: Judiciary

4/7/81

Date: \_\_\_\_\_

Mr. President:

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had SB 399

adoption

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 SB 399  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

*[Handwritten signatures]*

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\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*[Handwritten signature]*

CHAIRMAN

Peggy Bergsrud 277-2557

# Catholic Social Services

like Minnesota law

approves of concept if okay w/all

Introduced: 4/7/81  
Referred: Health, Education & Social Services and Judiciary

1 IN THE SENATE BY RODEY, STIMSON AND STURGULEWSKI

2 SENATE BILL NO. 399

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST 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. AS 18.50 is amended by adding new sections to read:

## 10 ARTICLE 6. ACCESS TO ADOPTION RECORDS.

11 Sec. 18.50.500. REQUEST FOR ACCESS. A person who is 18 years of  
12 age or older may request the state registrar to disclose the informa-  
13 tion on the original certificate of birth of the person.

14 Sec. 18.50.510. CONTACT WITH BIOLOGICAL PARENTS. (a) On receipt  
15 of a request made under AS 18.50.500, the state registrar shall within  
16 10 days notify the commissioner of health and social services ~~who shall~~  
17 ~~make an effort to contact the biological parents identified on the~~  
18 ~~original certificate of birth of the adopted person and notify them of~~  
19 ~~the request.~~

20 (b) On request, a child adoption agency shall cooperate in the  
21 efforts of the commissioner to notify a biological parent under this  
22 section.

23 (c) The commissioner may charge a reasonable fee to the adopted  
24 person for the cost of the efforts made under this section and under  
25 AS 18.50.570.

26 (d) Communications under this section and under AS 18.50.570 are  
27 confidential under AS 09.75.110 and art. I, sec. 22 of the state consti-  
28 tution.

29 Sec. 18.50.570. CONTACT PROCEDURE. (a) The commissioner shall

include in this section

*complete & reasonable effort*

1 ~~attempt~~ to make a confidential personal contact with each biological  
2 parent named on the original certificate of birth of the adopted person  
3 or the commissioner may delegate to the child adoption agency that  
4 processed the adoption the responsibility for making the contact. A  
5 contact may not be made by mail. *Adoption agency makes contact*

*personal  
confidential*

6 (b) The commissioner or the child adoption agency shall provide a  
7 biological parent contacted with the following information:

8 (1) the nature of the information requested by the adopted  
9 person;

10 (2) the right of the biological parent to file with the  
11 commissioner within the following 120 <sup>*of receipt of notice*</sup> days a statement that the informa-  
12 tion on the original certificate of birth should be disclosed;

13 (3) the right of the biological parent to file a statement  
14 with the commissioner that the information on the original certificate  
15 of birth should not be disclosed; and

16 (4) the right of the biological parent to file a consent to  
17 the disclosure with the state registrar at any time.

18 (5) (c) The commissioner or the child adoption agency shall advise  
19 biological parent that the information requested under AS 18.59.500  
20 will be disclosed unless the biological parent

21 (1) has already filed a statement under (f) of this section;  
22 or

23 (2) files a statement objecting to the disclosure of the  
24 information on the original certificate within 120 days of the receipt  
25 of the notice.

26 (d) If the child adoption agency that processed the adoption  
27 contacts the biological parents, the agency shall file with the commis-  
28 sioner affidavits showing that it provided the information required by  
29 (b) and (c) of this section. If the commissioner contacts the bio-

1 logical parents the commissioner shall make and keep a record which  
2 shows that he provided the information required by (b) and (c) of this  
3 section.

4 (e) If the commissioner or the child adoption agency is not able  
5 to ~~contact~~ <sup>notify</sup> → *personal & confidential contact* a biological parent named on the original certificate of  
6 birth within six months after a request under AS 18.50.500 and if  
7 neither ~~biological~~ <sup>identified</sup> parent has <sup>at any time</sup> filed <sup>→ unrevoked affidavit</sup> a statement regarding disclosure of  
8 the information on the original certificate of birth, <sup>the</sup> state regis-  
9 trar ~~shall release the requested information to the adopted person.~~ <sup>the info. may be disclosed as follows: (see notes)</sup>

10 (f) If a biological parent named on the original certificate of  
11 birth files with the state registrar a statement that the information  
12 on the original certificate of birth should not be disclosed, the state  
13 registrar may not disclose the information on that biological parent to  
14 the adopted person until the statement is revoked, the biological  
15 parent dies, or the court orders disclosure under AS 18.50.540. <sup>Even</sup>  
16 <sup>consideration should still be given if 1 parent dies.</sup>  
17 ~~If the biological parent files the statement that the information~~  
18 ~~should not be disclosed before the request for access under AS 18.50-~~  
19 ~~500 is filed, the commissioner shall advise the biological parent of~~  
20 ~~the request.~~

21 Sec. 18.50.530. RELEASE OF INFORMATION AFTER NOTICE. (a) If,  
22 within six months of the receipt of a request from an adopted person  
23 under AS 18.50.500, the commissioner has notified each biological  
24 parent on the original certificate of birth under AS 18.50.510(a) and  
25 18.50.520 and the biological parent has not filed a statement that the  
26 information on the original certificate of birth should not be dis-  
27 cussed, the state registrar shall disclose the requested information  
28 171 days after the date of the notice to the last biological parent.  
29 Disclosure of the requested information may also be made if, during the  
30 first 170 days, both biological parents named on the original certifi-

1 cate of birth file a statement with the state registrar consenting to  
2 the disclosure and

3 (1) the statement is not revoked; or

4 (2) the commissioner determines that both biological parents  
5 have died. *Consider Minn. death of parent*  
6 *HH.151-144.176*

7 (b) If one biological parent consents to disclosure of the re-  
8 quest within the first 120 days by filing an affidavit with the state  
9 registrar or if the commissioner determines that one biological parent  
10 has died, the state registrar shall disclose information only as to the  
11 consenting or deceased biological parent.

12 Sec. 18.50.540. JUDICIAL DISCLOSURE. (a) The court may order  
13 the state registrar to disclose information identifying the biological  
14 parents of an adopted person who is 18 years of age or older on appli-  
15 cation of the adopted person and on the determination by the court that  
16 disclosure would be of greater benefit than nondisclosure.

17 (b) The court may require the commissioner or the child adoption  
18 agency to advise the adoptive parents and the biological parents of an  
19 application for disclosure of identifying information under this  
20 section.

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

24 Sec. 18.50.550. RELEASE OF INFORMATION. On request to the state  
25 registrar a person adopted after January 1, 1987, is entitled to the  
26 following information regarding each biological parent named on the  
27 original certificate of birth, if the information is available:

- 28 (1) the age of the biological parent at the birth of the  
29 adopted person but not the birth date of the biological parent;  
30 (2) the heritage of the biological parent, including:

1 (A) national origin;

2 (B) ethnic background; and

3 (C) race;

4 (3) education, which is the number of years of school com-  
5 pleted by the biological parent at the time of the birth of the adopted  
6 person;

7 (4) general physical appearance of the biological parent at  
8 the time of the birth of the adopted person in terms of height, weight,  
9 color of hair, eyes, skin, and other information of a similar nature;

10 (5) talents, hobbies, and special interests of the bio-  
11 logical parent;

12 (6) the existence of another child or children of the biolo-  
13 gical parent;

14 (7) reasons for placement of the child for adoption, for  
15 termination of the parental rights of the biological parent, for removal  
16 of the biological parent as guardian, or for removal of the right to  
17 custody of the biological parent;

18 (8) the religion of the biological parent;

19 (9) the general field of occupation of the biological parent;

20 (10) the health history of the biological parent and of blood  
21 relatives of the biological parent provided on a standardized form  
22 prepared by the commissioner;

23 (11) the plans made by the biological parent for the adopted  
24 person's future; and

25 (12) the legal relationship, if any, between the biological  
26 parents.

27 Sec. 18.10.180. MAINTENANCE OF RECORDS. The commissioner and a  
28 child adoption agency shall assist the state registrar to maintain the  
29 information concerning biological parents required under AS 18.10.130

1 for all adoptions which occur after January 1, 1982. If the informa-  
2 tion concerning biological parents required under AS 18.50.550 is  
3 requested but is not available for adoptions that occurred before  
4 January 1, 1982, the state registrar shall request the commissioner to  
5 attempt to obtain the required information from the child adoption  
6 agency, records of the commissioner, or court adoption records.

7 Sec. 18.50.570. RECORDS OF A CHILD ADOPTION AGENCY. A child  
8 adoption agency licensed under AS 47.35.100 shall maintain records  
9 required under AS 18.50.560 and by the regulations of the commissioner.  
10 If a child adoption agency ceases to act as a child adoption agency, it  
11 shall transfer its records to the commissioner.

12 Sec. 18.50.600. DEFINITIONS. In AS 18.50.500 - 18.50.600

13 (1) "adoptive parent" means a parent who adopted a person  
14 but who is not the biological parent of the person;

15 (2) "biological parent" means a birth parent who is named on  
16 the original certificate of birth of an adopted person;

17 (3) "child adoption agency" means a child adoption agency  
18 licensed under AS 47.35.100;

19 (4) "commissioner" means the commissioner of health and  
20 social services;

21 (5) "identifying information" means information which dis-  
22 closes the identity of the biological parents beyond the information  
23 listed in AS 18.50.550;

24 (6) "state registrar" means the state registrar appointed  
25 under AS 18.50.010.

26 • Sec. 7. AS 20.15.040(a) is amended to read:

27 (a) The required consent to adoption shall be executed at any  
28 time after the birth of the child in the presence of the court or in  
29 the presence of a person authorized to take acknowledgements. The

*n-agency*

1 consent is not valid unless

2 (1) the consent form states that the person required to  
3 consent to adoption under AS 20.15.040 has the right to withdraw con-  
4 sent as provided in AS 20.15.070(b); and

5 (2) the person signing the consent is provided with a copy  
6 of the consent.

7 \* Sec. 3. AS 20.15.150(b) is repealed and reenacted to read:

8 (b) The papers and records pertaining to the adoption that are a  
9 part of the permanent record of the court are subject to inspection  
10 only upon consent of the court. The papers or records in a file in the  
11 department or in an agency are subject to inspection only upon consent  
12 of all interested persons or on an order of the court for good cause  
13 shown. The records of the bureau of vital statistics established under  
14 AS 18.50 are subject to inspection under the provisions of AS 18.50.

15 \* Sec. 4. AS 20.15 is amended by adding a new section to read:

16 Sec. 20.15.175. RECORDS OF BIRTH INFORMATION. (a) The clerk of  
17 the superior court, the department, or the agency placing a child for  
18 adoption shall seek to obtain from the natural parents of the adopted  
19 person for the state registrar

20 (1) the information listed in AS 18.50.560 on a form prepared  
21 by the department; and

22 (2) a statement as to whether the adopted person may have  
23 access to information on the original certificate of birth when the  
24 person is 18 years of age or older.

25 (b) The statement and the information provided by a natural  
26 parent under (a)(1) of this section shall be attached to the birth  
27 certificate of the adopted person.

28 \* Sec. 5. AS 20.15.150(c) is repealed.

29 \* Sec. 6. This Act takes effect January 1, 1987.

PROPOSED COMMITTEE SUBSTITUTE FOR SENATE BILL 399:

\*Section 1. AS 18.50.220(b)(1) is amended to read:

(1) thereafter, the original certificate and the evidence of adoption or legitimation are not subject to inspection except upon order of the superior court (OR AS PROVIDED BY REGULATION) ; however, THE) regulation shall allow inspection by an agent of the state or federal government acting in the performance of his official duties;

~~Section 2. AS 20.15.060(a) is amended to read:~~

~~(a) The required consent to adoption shall be executed at any time after the birth of the child in the presence of the court or in the presence of a person authorized to take acknowledgements. The consent is not valid unless~~

~~(1) the consent form states that the person required to consent to adoption under AS 20.15.040 has the right to withdraw consent as provided in AS 20.15.070(b); and~~

~~(2) the person signing the consent is provided with a copy of the consent.~~

Section 3. AS 18.50 is amended by adding new sections to read:

Sec. 18.50.550. RELEASE OF INFORMATION. On request to the state registrar a person adopted after January 1, 1982, <sup>and the adoptive parents of the person.</sup> is entitled to the following information, if the information is available:

(1) general physical characteristics of the biological parent of the adopted person in terms of height, weight, color of hair, eyes, skin, and other information of a similar nature;

(2) the health history of the biological parent and of blood relatives of the biological parent provided on a standardized form prepared by the commissioner;

(3) the race of the biological parent.

Sec. 18.50.560. <sup>Maintenance</sup> ~~MAINTENANCE~~ OF RECORDS. <sup>The Commissioner, judges and justices handling private adoptions,</sup> ~~The commissioner, and a child adoption agency,~~ shall assist the state registrar to maintain the information concerning <sup>to place minors for adoption (under AS 20.15.240)</sup> ~~the information concerning~~

biological parents required under AS 18.50.550 for all adoptions which occur

after January 1, 1982. If the information concerning biological parents required under AS 18.50.550 is requested but is not available for adoptions that occurred before January 1, 1982, the state registrar shall request the commissioner to attempt to obtain the required information, to the extent that it is available, from the child adoption agency, records of the commissioner, or court adoption records.

Sec. 18.50.570. RECORDS OF A CHILD ADOPTION AGENCY. A child adoption agency licensed under AS 47.35.100 shall maintain records required under AS 18.50.560 and by the regulations of the commissioner. If a child adoption agency ceases to act as a child adoption agency, it shall transfer its records to the commissioner.

①  
pg. 1 line 16 after "services"  
insert " in writing of the request  
by the adopted person."

pg. 1. line 29.

"Within 6 months after receiving  
notice of the request of the  
adopted person" the

whenever "biological parent"  
substitute

"identified parent on the  
original birth certificate"

(pg 2, line 17)

(5) The effect of a failure of the  
parent to file either a consent  
to disclosure or an affidavit stating  
the info should not be disclosed



3

"natural" → "genetic"  
"biological" parent

---

concerned w/ rights of natural  
parents → confidentiality

openness parties OK. if o.k. w/ all

CS SB 399

1) change current procedure for providing original birth certificate

2) sup section 2 of SB399

3) provide for the collection and distribution of medical information  
age? → parents (child)  
→ child adoptive  
by: 1) HFS  
2) adoption agencies  
3) lawyers  
4) doctors

? definition section?

Rocky 5-15-81 5/15/81

PROPOSED COMMITTEE SUBSTITUTE FOR SENATE BILL 399 - AN ACT RELATING TO ADOPTION

\*Section 1. AS 20.15.060(a) is amended to read:

(a) The required consent to adoption shall be executed at any time after the birth of the child in the presence of the court or in the presence of a person authorized to take acknowledgements. The consent is not valid unless

(1) the consent form states that the person required to consent to adoption under AS 20.15.040 has the right to withdraw consent as provided in AS 20.15.070(b); and

(2) the person signing the consent is provided with a copy of the consent.

\*Section 2. AS 18.50.220(b)(1) is amended to read:

(b) When a new certificate of birth is established, the actual place and date of birth shall be shown. The new certificate shall be substituted for the original certificate of birth, and

(1) thereafter, the original certificate and the evidence of adoption or legitimation are not subject to inspection except upon order of the superior court; [OR AS PROVIDED BY REGULATION] however, ~~the~~ <sup>the registrar</sup> regulation shall allow inspection by an agent of the state or federal government acting in the performance of his official duties;

\*Section 3. AS 18.50 is amended by adding new sections to read:

Sec. 18.50.500. RELEASE OF INFORMATION. On request to the state registrar <sup>who is 18 years of age</sup> a person adopted after January 1, 1982, and the adoptive parents of a person adopted after January 1, 1982, are entitled to the following information, if the information is available:

(1) general physical characteristics of the biological parents of the adoptive person in terms of height, weight, color of hair, eyes, and skin, and other information of a similar nature;

(2) the health history of the biological parents and of blood relatives of the biological parents provided on a standardized form prepared by the commissioner;

(3) the race of the biological parents.

Sec. 18.50.550. MAINTENANCE OF RECORDS. The commissioner, child adoption agencies, and all persons empowered by law or regulation to place minors for adoption shall <sup>furnish (mandatory)</sup> ~~assist~~ the state registrar to maintain the information required under AS 18.50.500 for all adoptions which occur after January 1, 1982. <sup>not strictly correct</sup> If the information required under AS 18.50.500 is requested but is not available for adoptions that occurred before January 1, 1982, the state registrar shall request the commissioner to attempt to obtain the required information, to the extent that it is available, from child adoption agencies, records of the commissioner, court adoption records, or any other persons empowered by law or regulation to place minors for adoption.

Sec. 18.50.570. RECORDS. Child adoption agencies licensed under AS 47.35.100 and other persons empowered by law or regulation to place minors for adoption shall maintain records required under AS 18.50.550. and by the regulations of the commissioner. If a child adoption agency ceases to act as a child adoption agency, it shall transfer its records to the commissioner.

Sec. 18.50.600. DEFINITIONS. In AS 18.50.500 - 18.50.600

(1) "adoptive parent" means a parent who adopted a person <sup>but who is</sup> ~~not the biological parent of the person.~~ <sup>After legal petition of the court</sup>

(2) "biological parent" means a birth parent who is named on the original certificate of birth of an adopted person;

(3) "child adoption agency" means a child adoption agency licensed under AS 47.35.100;

(4) "commissioner" means the commissioner of health and social services;

(5) "state registrar" means the state registrar appointed under AS 18.50.030.

\*Section 4. This Act takes effect January 1, 1982.

## Adoptive son may get help

Associated Press

Kansas City, Mo. — In a move that could save a Florida man's life, a mother who gave up her son for adoption years ago and a half sister have agreed to be tested anonymously to see if they could donate bone marrow to ease his cancer suffering.

James Grant George, a computer system consultant from Miami, found out 11 months ago he is dying from a bone marrow cancer that could be fought with a transplant from his natural mother or half sister.

But efforts by the 33-year-old man to find out the identities of the mother and half-sister were stymied because adoption records are secret. He was given up for adoption here as an infant.

Finally, a lawyer representing the relatives agreed Wednesday to anonymous testing for compatible bone marrow. George could find out if his bone marrow matches that of his relatives without learning who they are or where they live. The agreement was reached after a four-hour Jackson County Court hearing to open his adoption records.