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COMMITTEE REPORT
SENATE

FURTHER:

Date: _____

Mr. President:

The Committee on TERRITORY has had SS 241

relating to adoption of off. date.

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

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SS 241 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

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

January 18, 1984

CS Sponsor Substitute SB 241 (Aud)

Analysis-Alaska Chapter, National Association of Social Workers

- Section 1- Provides that a court order is required for inspection of adoption or legitimation records and deletes the Bureau of Vital Records' authority to adopt regulations with respect to such inspection. It is currently the practice of the Bureau of Vital Records to release original birth certificates by regulation, although the statutes prohibit such release .
- Section 2- -Provides for access to adoption information.
-Clarifies that biological parents can file a statement with the Bureau of Vital Records consenting to release of the original birth certificate.
-States that if such a statement has not been filed a court order is required for release of the original birth certificate.
-Permits the release of ten items of non-identifying information to adoptive parents and/or adoptees 18 years of age or older.
-Requires that after the effective date of the act the State shall provide the non-identifying information on a standard form.
-Requires the State Registrar to attach to the original birth certificate the name and address of the adoptee and/or biological parent should they so request and then enables release of the name and address of the adoptee to the biological parent and the biological parent to the adoptee.
-Requires that anyone placing a child for adoption after the effective date provide the ten items of non-identifying information to the State Registrar.
-Requires that the Department of Health and Social Services attempt to obtain the ten non-identifying information items upon request for adoptions occurring before January 1, 1984.
-Requires maintenance of records.
- Section 3- -Amends A.S. 25,23.060 to provide that consent to adoption forms must state the person's right to withdraw the consent and also that a copy of the consent form be provided to the person.
- Section 4- -Clarifies access to adoption records under A.S. 25.23.150 and provides for release of non-identifying information on request and identifying information with consent.
- Section 5- -Clarifies language prohibiting release of identifying information on adoption.

- Section 6- ~~Requires the Superior Court to obtain for the State Registrar the ten items of non-identifying information.~~
- Requires a statement from the biological parent regarding whether the adoptee may have the original birth certificate when 18 years of age or older.
 - Requires a statement indicating the biological parent has been informed that the State Registrar must attach the current name and address of biological parent and/or adoptee to original birth certificate at any time.
 - Requires that the non-identifying information shall be attached to original birth certificate.
 - Requires that the biological parent must be given a copy of their statement regarding release of original birth certificate.
 - Provides that the biological parent must be informed on their copy of the information that they have the option of changing their mind about the release of identifying information at any time.

~~The Alaska Chapter, National Association of Social Workers believes that Sponsor Substitute SB 241 addresses the interests of both adoptees and biological parents and provides a balance between their needs. Furthermore, Sponsor Substitute SB 241 provides for a change in adoption records in the future in order to address a fundamental injustice which has heretofore been done adoptees by denying them access to information about themselves.~~

~~Cecilia Kleinkauf
Alaska Chapter, National Association of Social Workers
1/18/84~~

Section 7

Add the requirement for the inclusion of non-identifying information to the documents which must be provided to the court -

~~Section 8
effective date~~

January 17, 1984

M E M O R A N D U M

TO: Senator Bill Ray, Chairman
Senate Judiciary Committee
Senator Joe Josephson
Senator Richard Eliason
Senator Fritz Pettyjohn
Senator Robert Ziegler, Sr.

FROM: Karla Forsythe ^{KF}
General Counsel
Alaska Court System

SUBJECT: SS for SB 241, an act relating to adoption.

The Alaska Court System appreciates this opportunity to bring to your attention court-related concerns about SS for SB 241, an act relating to adoption.

Under section six of the proposed legislation, the clerk of the superior court, the department of health and social services, or the person placing a child for adoption is required to obtain from each known biological parent a variety of nonidentifying information, as well as statements about access to identifying information. It is the position of the court system that the reference to the clerk of the superior court should be deleted.

The practical effect of including the court as one of the information-gathering agencies is to add a new and inappropriate clerical procedure to the work of the courts. The implication of this section is that if an agency or the

department is not involved in an adoption, the court should obtain the information. In almost all step-parent adoptions, an agency or the department is not involved, so the court would have to collect the information from the biological parent. These types of adoptions comprise a substantial portion of the court's adoption workload. Moreover, in these situations the biological parent is often difficult to contact. Therefore the court will spend a great deal of time obtaining this information, which will likely require additional staff in major court locations. This investigatory function is not compatible with the court's adjudicatory role.

An easier and more appropriate way to obtain this information in step-parent adoptions is for the person petitioning for adoption and not the court to furnish it to the registrar. If the phrase "person placing a child for adoption" is intended to include these petitioners, the court's concerns with section six can be remedied simply by deleting the reference to the clerk of the superior court. However, if petitioners in step-parent adoptions are not meant to be included in the phrase, they should be specifically mentioned. If this is the case, the court system suggests that lines 10-12, page five of the proposed bill, should read: "The person petitioning for the adoption, the department, or the person placing a child for adoption shall obtain from each known biological parent of the adopted person for the state registrar"

Deleting the reference to the court comports with the apparent intent of the legislation. Proposed section 18.50.510 requires the commissioner, an adoption agency, or a person placing an adoptee, and not the court, to provide information to the registrar. It is inconsistent to then require the court to obtain the information under the adoption provisions of title 25. Also, a reference to the court implies that inability or failure to obtain the information will affect the court's review of the adoption. However, it is clear from proposed section 18.50.500 that the missing information results not in denial of the adoption, but in nondisclosure.

In summary, the court system recommends deletion of the reference to the "clerk of the superior court" from section six.

cc: Senator Kerttula
Senator Rodey
Senator Sturqulewski
Senator Fahrenkamp
Senator Halford
Senator P. Fischer
Senator Moss
Paula Scavera
Arthur H. Snowden, II

SB241



NATIONAL
ASSOCIATION OF
SOCIAL WORKERS, INC.

P.O. Box 10430
Fairbanks, Alaska 99701
907-456-5914

POSITION PAPERS '83-84
ADOPTION

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BACKGROUND :

Alaska's laws concerning adoption need to be revised. Adult adoptees in Alaska are presently denied access to information about themselves and their socio-biological heritage.

The Alaska Chapter of the National Association of Social Workers believes adult adoptees should be provided with access to nonidentifying information about themselves upon request as a matter of legal right, without court order.

ACTION RECOMMENDED:

--Adult adoptees and biological parents should be provided access to identifying information about each other through a mechanism which protects their rights. This mechanism could be either an intermediary agency or a registry which would gather the information and attach it to the child's birth certificate.

--There should be provision for an affidavit consenting to release (or not to release) identifying information signed by the biological parent attached to the birth certificate.

--The Division of Vital Statistics should be prohibited from releasing birth certificates without consent, as is their current practice.

- GABRIELLI -

JAN 18 1983

P.O. Box 58153
Fairbanks, Alaska 99701
January 10, 1982

Senator Don Bennett
Pouch V
Juneau, Alaska 99811

Dear Senator Bennett:

As an individual I am writing to request that you sponsor legislation changing the wording of AS 20.15.100(d). The current section reads:

"(d) Except as provided in (g) and (i) of this section, an investigation shall be made by the department or any other qualified agency or person designated by the court to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor."

"(g)" and "(i)" serve to allow the court discretion in ordering investigations where agencies are a party to the adoption, in the cases of relative (usually step-parent) adoption and in the adoption of adults.

The above provision gives the court the power to order the Department of Health and Social Services, Division of Family and Youth Services to conduct such studies in what would otherwise be private adoptions. Possibly because the Department does not charge it has apparently become very popular, at least in the Fairbanks area, for the court to order these studies done by the department even in those cases where the families seem well able to afford the cost. And despite the fact that there are at least two private agencies in the Fairbanks area that have experience in the field of adoptions as well as a number of experienced social workers available on a private fee basis.

While it can be argued that it is legitimate for the state to provide this service in those cases where there are no private resources available, or where the adoptive family is not able to afford the cost, it would seem somewhat questionable for the state to provide a free service in direct competition with comparable resources in the private sector.

The Division of Family and Youth Services has been ordered with increasing frequency to provide this service at a time when other caseloads, especially in the area of child sexual abuse, have been climbing at a steady rate. Yet there has been no concurrent increase in the staff available to provide this service. I would respectfully suggest that either the department be reasonably staffed to provide this public service or that the wording of the statute be changed to allow the department to decline the investigation in those cases where other resources are available to the adoptive family and to the court. An adequate adoptive study requires a minimum of about 20 hours of time, often more, and the Family and Youth Services office in Fairbanks has been asked to do as many as 7 per month. Or, put another way, the rough equivalent of a full time job.

The concern of the statute is to provide a protection to the child and to this end I do not advocate removing the requirement for an investigation of the family and the child's "conditions and antecedents". However, elsewhere in the statute there is provision for notice to the department of all adoptions and this notice provides an opportunity for the department to screen cases to some extent for possible abuse or neglect concerns. Also, if the court (or other agency doing the investigation) discovers some child protection concerns the Child protection resources of the department would be available to to the court or the agency.

Therefore I respectfully suggest that AS 20.15.100(d) be reworded to read as follows:

"(d) Except as provided in (g) and (i) of this section, an investigation shall be made by [the department or any] a qualified agency or person designated by the court to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor. For the use of the court in carrying out provisions of this section the department shall maintain and provide to the court a list of appropriate agencies and individuals available to provide such investigations, and if no such agencies or individuals are available within a reasonable proximity to the adoptive family the department shall provide such services to the court."

Thank you for your time and consideration.

Sincerely,


James J. Fox

SECTIONAL ANALYSIS CSSSB 241 (JUDICIARY) WORK DRAFT

SECTION 1

Deletes the authority by regulation to disclose information concerning adoption or legitimation.

SECTION 2

Provides for access to adoption records and sets the procedure for the notifying of the biological parent. Permits the release of ten items of non-identifying information to adoptive parents and/or adoptees 18 years or older. Requires that after the effective date of the act the State shall provide the non-identifying information on a standard form. Requires that anyone placing a child for adoption after the effective date, provide the ten items on non-identifying information to the State Registrar. Requires that the Department of Health and Social Services attempt to obtain the ten non-identifying information items upon request for adoptions occurring before January 1, 1985. Requires maintenance of records.

SECTION 3

Consent to adoption forms must state the person's right to withdraw the consent and also that a copy of the consent form be provided to the person.

SECTION 4

Non-Identifying information shall be filed with the clerk of the court

SECTION 5

Clarifies language prohibiting release of identifying information on adoption

SECTION 6

Clarifies language on the release of information concerning disclosure or identity of adoptive children or adoptive parents.

SECTION 7

Adds the requirement for the inclusion of non-identifying information to the documents which must be provided to the court. Also adds the requirement of a statement that the biological parent is aware of the procedures of the release of adoption information

SECTION 8

Effective date clause

MEMORANDUM

TO: Senator Bill Ray ✓
Senator Jalmar Kerttula

FROM: Elizabeth J. Hickerson

RE: SB 241: An Act Relating to Adoption

DATE: April 26, 1983

SB 241 seeks to accomplish several things regarding adoption records. As background information it should be noted that presently, although the statute provides that all adoption records shall be confidential (see AS 18.50.220, AS 25.23.150), upon request the Division of Vital Statistics is releasing original birth certificate to adoptees. In addition, at the time of adoption no information regarding the medical background of the biological parents or other non-identifying information is obtained.

According to authorities on adoptees and their search for their biological parents, often the only information sought is basic non-identifying information. This bill seeks to provide the adoptee with non-identifying information so as to aid in filling the void often experienced when an adoptee, whether as a child or as an adult, learns that he/she is adopted. In addition this bill provides that a state registry will be established whereby the biological parent and the adoptee, having obtained majority, may attach identifying information to the original birth certificate. This is optional and only at the request of either party.

A summary of the individual sections follows.

SECTION 1

Section 1 provides that inspection of the original birth certificate shall only be made by order of the court or upon the request of an agent of the state or federal government acting in the performance of the agent's official duties. This change ensures that inspection of

original birth certificates will follow the confidential guidelines provided by statute.

SECTION 2

Under this section, non-identifying information is to be collected at the time of adoption and released to the adoptive parent and the adopted person upon turning 18 years of age. The non-identifying information that is to be collected on a standard form by the state registry includes the following information: the age of the biological parent at the birth of the adopted person; the heritage of the biological parent; the health history of the biological parent and of blood relatives; the general physical appearance of the biological parent at the time of birth; a statement as to whether or not the parental rights of the biological parent were voluntarily relinquished or court ordered in a termination proceeding; the existence of another child or children of the biological parent; talents, hobbies and special interests of the biological parent; education completed by the biological parent at the time of the birth; the religion of the biological parent; and the legal relationship if any between the biological parents.

Either the biological parent or the adopted person may request that identifying information (name and address) be attached to the original birth certificate and made available to the other party.

The commissioner, a child adoption agency, and a person authorized by law to place a person for adoption shall furnish the state registrar the non-identifying information required under this section. In the event that these individuals cease to place persons for adoption they are required to transfer their records to the commissioner. This ensures that this information will be preserved.

SECTION 3

This section provides that at the time of adoption the persons required to consent to adoption will be given notice that they may withdraw their consent to the adoption as provided in AS 25.23.070. Under AS 25.23.070 consent to adoption may be withdrawn:

before the entry of a decree of adoption, within 10 days, by delivering written notice to the person obtaining the consent, or after the 10 day period, if the court finds, after notice and opportunity to be heard is afforded to petitioner, the person seeking the withdraw and the agency placing the child for adoption, that the withdrawal is in the best interest of the person to be adopted and the court orders the withdraw.

Compliance with this statutory requirement guarantees that one is informed about the limited right to withdraw consent to adoption.

SECTION 4

This section provides that the papers and records relating to adoption are subject to inspection only upon consent of the court. However this section also allows inspection of the papers or records with the consent of all interested persons or by order of the court for good cause shown.

SECTION 5

Section 5 states that only with the consent of the adopted child, 14 years or older, or by the adoptive parent or by order of the court for good cause shown may the name or identity of either an adoptive parent or an adopted child be disclosed.

SECTION 6

Records and information regarding adoption are to be obtained by the clerk of the Superior Court, the Department, or the person placing the child for adoption. Non-identifying information is to be compiled on a form prepared by the Department. The procedure for attaching identifying information to the original birth certificate is to be provided the biological parent.

Paragraph (d) of this section provides that identifying information may be changed or removed at any time if requested by the biological parent. This ensures that if the biological parent later wishes to remain anonymous, it is within the power of the biological parent to so remove information which is identifying.

SECTION 7

This section provides that SB 241 takes effect January 1, 1984.

SUMMARY

SB 241 provides a means whereby non-identifying information regarding the biological parent will be attached to the original birth certificate at the time of the adoption. Further this bill provides that identifying information may be attached to the original birth certificate only at the request of either the biological parent or the adopted child. Unless so ordered by a court or at the request of an officer of a state or federal agency, identifying information may not otherwise be released. This ensures that adoption records remain confidential and that vital statistics is without power to release original birth certificates.

Possible opposition to this bill comes from those who believe that original birth certificates should be completely open to the adopted child. As long as our statutes provide that adoption records shall be confidential any measure allowing inspection of an original birth certificate, unless so ordered by a court or with the consent of all interested parties, is violative of the law.

May 3, 1983

Sponsor Substitute SB241

Analysis - Alaska Chapter, National Association of Social Work

Section 1 - Provides that a court order is required for inspection of adoption or legitimation records and deletes the Bureau of Vital Records authority to adopt regulations with regard to such inspection. It is currently the practice of the Bureau of Vital Records to release original birth certificates under regulations the Bureau adopted many years ago.

Section 2 - Provides for access to adoption information.

- Clarifies that the biological parent can file a statement with the Bureau of Vital Records permitting release of original birth certificate.
- States that if such a statement has not been filed a court order is required for release.
- Permits the release of ten items of non-identifying information to adoptive parent and adoptee 18 or older.
- Requires that for adoptions after January 1984 (or effective date) the state shall provide the non-identifying information on a standard form.
- Requires the State Registrar to attach to the original birth certificate the name and address of the adoptee and/or biological parent should they so request and then enables release of name and address of adoptee to biological parent and biological parent to adoptee.
- Requires that anyone placing a child for adoption after effective date provide the ten items of non-identifying information to the State Registrar.
- Requires that the Department of Health and Social Services attempt to obtain the ten non-identifying information items upon request for adoption occurring before January 1, 1984.
- Requires maintenance of records.

Section 3 - Amends AS25.23.060 to provide that consent to adoption forms state the person's right to withdraw the consent and provide a copy of the consent to the person.

Section 4 - Clarifies access to adoption records under AS25.23.150 and provides for release of non-identifying information on request and identifying information with consent.

Section 5 - Clarifies language prohibiting release of identifying information on adoption.

- Section 6 - Requires the Superior Court to obtain for the State Registrar -
- Ten items of non-identifying information.
 - Statement from biological parent whether adoptee may have original birth certificate when 18 years of age or older.
 - Statement indicating biological parent has been informed State Registrar must attach current name and address of biological parent and/or adoptee to original birth certificate at any time.
 - Statement that non-identifying information shall be attached to original birth certificate.
 - Biological parent must be given a copy of their statement regarding release of original birth certificate.
 - The biological parent must be informed on the information they receive a copy of that they have the option of changing their mind about release of identifying information at any time.

The Alaska Chapter, National Association of Social Workers believes that SB241 addresses the interests of both adoptees and biological parents and provides a balance between their needs. Furthermore, SB241 provides for a change in adoption records for the future in order to address a fundamental injustice which has heretofore been done adoptees by denying them access to information about themselves.

Cecilia K. Lemkau

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, 71 were adoptive parents, 22 were biological parents of a child released for adoption, 13 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.....89 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 —

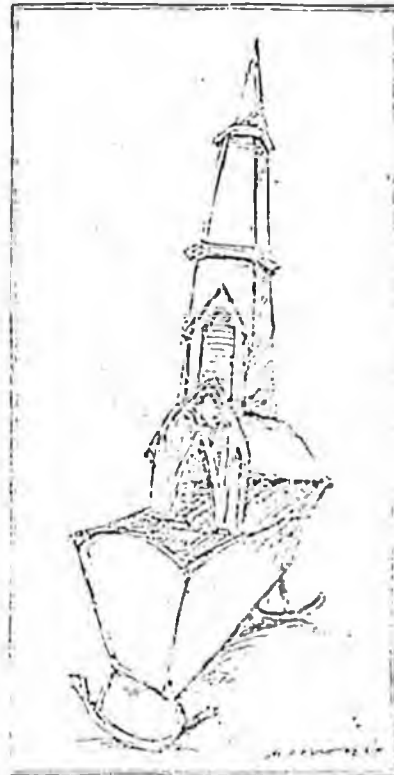
- Written consent.....77 percent
- Court order & written consent.....15 percent
- Only with court order.....7 percent
- Not at all.....4 percent
- Don't Know.....1 percent

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 adoptive, adoptive parents and biological parents, the support for open records remains strong within a discrete group.

Of those respondents who were ADOPTIVE PARENTS, 89 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. Nine 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 11 percent disagreed.

Of the respondents who were ADOPTEDS, 51 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, 50 percent believed that written consent should be required for the release of identifying information, 27 percent believed that access to non-identifying information should be possible without court order and 21 percent believed a licensed agency or the state should do the adoptions.

Survey results such as these give clear indications 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 "Pudge" Kleinkauf is a faculty member of the University of Alaska, Anchorage with the Department of Social Work.

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

Senate Bill No. 241 amends the Vital Statistics Act and the adoption statute pertinent to access to adoption records and consent procedures. The Bill has the effect of denying persons adopted in Alaska prior to enactment of this Bill access to their original birth certificates, which is presently permitted by regulation. The Bill provides that, for adoption which occurred prior to January 1, 1984, the State Registrar may not release any information, on the biological parent named on the certificate without that person's permission. However, it does allow for a biological parent to file a statement with the Bureau of Vital Statistics permitting access. This Bill reflects the view that the present practice does not protect the confidentiality of the biological parents since their names are made available without their consent or knowledge. While this position may have merit, persons adopted prior to the enactment of this proposed legislation would argue that since the State did not provide a mechanism for collection and retention of non-identifying information before January 1, 1984, they should not be denied access to the information which is presently on file, namely, the original birth certificate.

The Division of Family and Youth Services receives numerous inquiries every year from parents who have relinquished a child and from adult adoptees wanting to locate their biological family. Senate Bill 241, as written, would deny access to any identifying information, unless specific instructions are left on record by the biological parent. The national trend appears to be moving more toward open adoption records and for older children, the biological parent often remains active in his child's life, even after parental rights are terminated. While the Division of Family and Youth Services would support the collection of non-identifying information it would recommend considering access to identifying information where available.

For adoptions occurring after January 1, 1984, information on the biological parents including race, physical characteristics, religion, health history, and existence of another child or children will be collected, and this non-identifying information may be provided to adoptive parents and to adopted persons 18 years of age or older. The Bill also recommends that information be collected on the legal relationship, if any, between the biological parents. The Department would question whether it is necessarily in the best interests of the child to collect this information (for example, when the child is the result of an incestuous relationship) and would recommend removal of that item.

Minor changes are also recommended in three additional areas:

oPage 2, line 3: "prepared by the commissioner" be removed to make the Bill consistent with other areas of AS 18.50. the Registrar of Vital Statistics would normally be the person with the responsibility for preparing new forms.

POSITION PAPER
SENATE BILL NO. 241 (Sponsor Substitute)

PAGE 2

°Page 3, line 12: "and a person..." be changed to "or a person...." as it is necessary for only one of the sources mentioned to provide necessary information to the State Registrar.

°Page 3, lines 18 and 19: omit the words "request the commissioner" to make the sentence more consistent with present procedure.

The Bill also amends the adoption statute to provide that a consent to adoption is not valid unless the consent form states that the person has a right to withdraw the consent and is provided with a copy of the consent. The Department would support the amendment.

RECOMMENDED: *for* Michael L. Price
Michael L. Price, Director
Division of Family and
Youth Services

DATE: April 27, 1983

RECOMMENDED: Joan Brooks
Joan Brooks, State Registrar
Bureau of Vital Statistics

DATE: April 27, 1983

APPROVED BY: for John R. Byrne
Robert London Smith, Ph.D.
Commissioner

DATE: May 6, 1983

I. REQUEST
 Bill/Resolution No.: SSSB 241
 Title: Adoptions
 Sponsor: Kerttula
 Requestor: Kerttula

II. FISCAL DETAIL
 Agency Affected: H&SS
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		0	0	0	0	0
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: *Jeanne Edelweiser for Michael Pinc* Phone: 465-3170
 Division: Family and Youth Services Date: 4/27/83
 Approved by Commissioner: *John R. Poy* Date: 5/6/83
 Department: H&SS

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- Original to Legislative Finance
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- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

4505 Dredge Lake Rd.
Juneau, Alaska 99801
May 4, 1983

The Honorable Bill Ray
Senate Judiciary Committee, Chairman
Alaska State Senate
Juneau, Alaska

Dear Senator Ray:

I am writing on behalf of my 5 year old adopted son, Jonathan, because he will be adversely affected by the passage of SSSB 241, an act relating to adoption.

Under present regulation, 7 ACC 05.730, Jonathan may obtain a copy of his original birth certificate when he becomes 18 years old. That certificate names his biological parents, their ages and birthplaces. This information will enable JONATHAN to research his ancestry - to find answers to questions such as:

- Who am I?
- Where did I come from?
- Do I have brothers and sisters?
- Are there medical problems that I may likely inherit?
- Will any medical problems influence my decision to have children?
- What am I worth if I was given away?

This information will be the first stepping stone to going back in history - to opening to Jonathan the fascinating study of his own genealogy.



But SSSB 241 proposes to change that. It would place the rights of the adopted person in the hands of the natural parent for access to the original birth certificate becomes contingent upon consent from the biological parent. I am opposed to this; the right of anyone to his own birth certificate should not be conditional upon permission from anyone.

The persons most adversely affected by SSSB 241 have already been adopted. Most of these are children - like Jonathan - under age 18 - who cannot fight for their rights and he cannot get a copy of of their original birth certificates now before the law is changed. The passage of SSSB 241 will effectively erect a stone wall in front of any search Jonathan and his descendants may conduct for their own "roots."

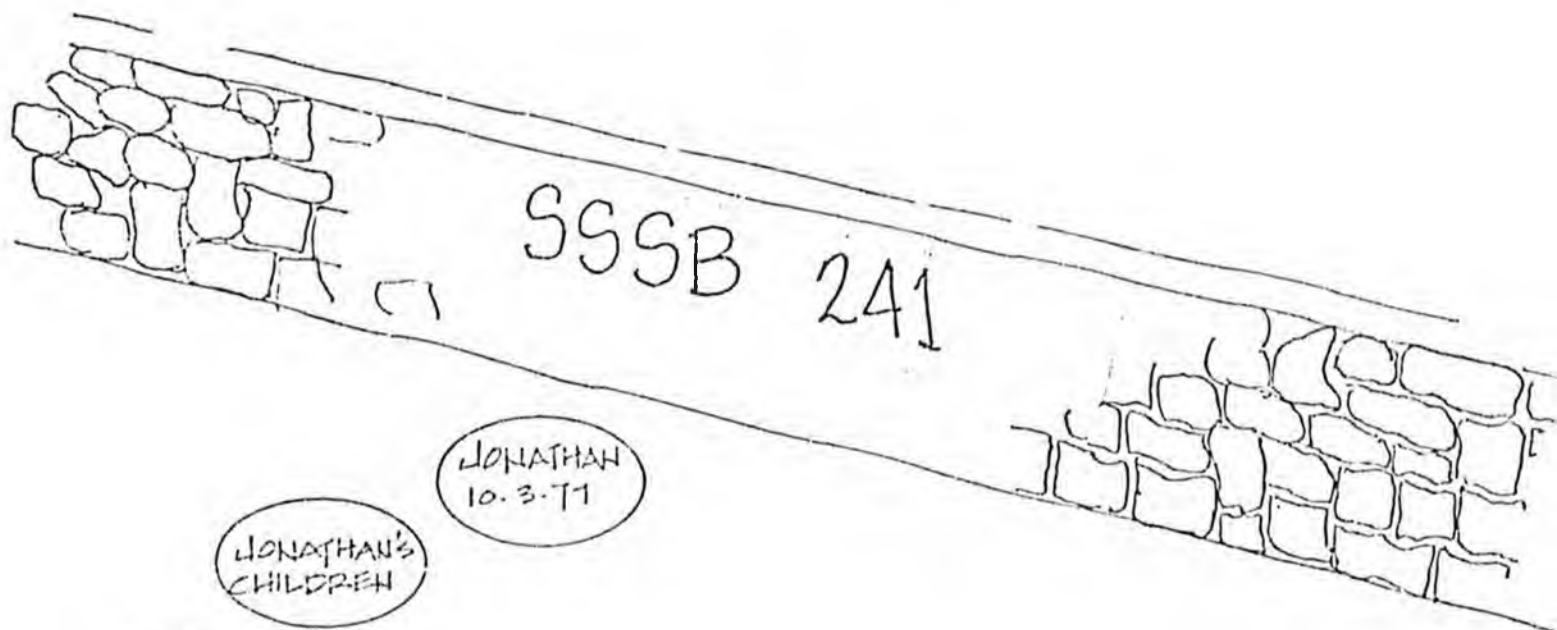
As an adoptive mother I am most concerned that the rights of my son are not violated. I have done a lot of research and have tried to consider all view points. I offer suggestions for more responsible legislation which I attach to this letter along with a copy of the bill marked to reflect those changes.

Please, leave stepping stones for Jonathan, not stone walls.

Sincerely,

Joyce E. Lanier

Joyce E. Lanier



JONATHAN'S
CHILDREN

JONATHAN
10.3.71

JONATHAN'S
GRAND
CHILDREN

SSSB 241

Listed below are my suggestions for more responsible legislation which more equally balances -

the right of the adoptee to know the identity of his natural parents,
the desire of those natural parents who may wish to remain anonymous,
the wishes of any adoptive parents who may consider the entrance of
natural parents into the life of the adoptee a personal threat to their
own security.

Amendments and additions to SSSB 241:

1. Retain the right of the adopted person to his original birth certificate at age 18 and over, and additionally allow his descendants that same right, just as descendants of all other persons have that right.
2. Allow the birth parent to place a statement with the original birth certificate as to whether he/she would WELCOME contact with the adopted person.
3. Provide written notification that must be acknowledged to the adoptive and the natural parents of the adoptee's rights to the original birth certificate. Establish a counseling program that advises natural parents of their responsibilities to provide as much non-identifying information as possible to the adoptee, that advises adoptive parents that curiosity of the adoptee is very natural and is no personal threat, and counsels adoptees who may wish to contact natural parents. I believe that by eliminating the element of surprise, all parties concerned will harbor fewer hard feelings.
4. Attach all the non-identifying information to the original birth certificate as some adoptive parents donot tell the child that he is adopted and thus would not pass this information to him. This information would be available when the adoptee discovers he is adopted.
5. Allow and encourage the birth parents to update the health history and sibling existance as changes occur. Many inheritable medical problems do not materialize until many years after the adoption. Someday those siblings may be the only family the adoptee has, especially in the case of an adoptee who was raised as an only child in his adoptive home.

Joyce Lanier
4505 Dredge Lake Rd.
Juneau, Alaska 99801

789-0515 586-7701

5/4/83

CHANGES PROPOSED BY JOYCE LANIER

Introduced: 4/25/83
Referred: Judiciary

BY KERTTULA, RODEY, RAY
STURGULEWSKI, FAHRENKAMP,
HALFORD, P. FISCHER,
PETTYJOHN AND MOSS

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 241

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH 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 18.50.220(b)(1) is amended to read:

10 (1) thereafter, the original certificate and the evidence
11 of adoption or legitimation are not subject to inspection except upon
12 order of the superior court; ~~however, the state registrar [OR AS PRO-~~
13 ~~DECENDANTS WHO ARE 13 YEARS OLD OR OVER AND~~
~~VIDED BY REGULATION; HOWEVER, THE REGULATION] shall allow inspection~~
14 by an agent of the state or federal government acting in the perfor-
15 mance of the agent's [HIS] official duties;

16 * Sec. 2. AS 18.50 is amended by adding new sections to read:

17 ARTICLE 6. ACCESS TO ADOPTION INFORMATION.

18 Sec. 18.50.500. ACCESS TO ADOPTION INFORMATION. (a) If a bio-
19 logical parent named on the original certificate of birth ~~for a birth~~
20 ~~occurring before January 1, 1984, has not filed with the state regis-~~
~~trar a statement that the information on the original certificate of~~
21 ~~birth may be disclosed, the state registrar may not disclose the~~
~~information on that biological parent to an adopted person unless~~
22 ~~disclosure is ordered by the court under AS 25.23.150.~~
23 ~~information on that biological parent to an adopted person unless~~
24 ~~disclosure is ordered by the court under AS 25.23.150.~~

25 (b) The state registrar shall disclose information identifying
26 the biological parents of an adopted person 18 years of age or older
27 ~~if the biological parent has filed a statement that the information on~~
~~the original certificate of birth may be disclosed.~~
28 ~~the original certificate of birth may be disclosed.~~
AND THE STATEMENTS OF THE BIOLOGICAL PARENTS AS
DESCRIBED IN (A) OF THIS SECTION.

29 (c) The state registrar shall ~~provide the adoptive parents of a~~
~~birth certificate & provide the adoptive parents~~
OF A ~~birth certificate & provide the adoptive parents~~

1 (d) The state registrar shall, on the request of an adopted
2 person over the age of 18 years, attach to the original birth certifi-
3 cate of the adopted person the current address and name of the adopted
4 person. The information provided under this subsection may be
5 released to the biological parent of the adopted person.

6 (e) The state registrar shall, on the request of a biological
7 parent, attach to the original birth certificate of the child of the
8 biological parent the current address and name of the biological
9 parent. The information provided under this subsection may be
10 released to the child of the biological parent.

11 Sec. 18.50.510. MAINTENANCE OF RECORDS. (a) The commissioner,
12 a child adoption agency, and a person authorized by law or regulation
13 to place a person for adoption shall furnish the state registrar the
14 information concerning biological parents required under AS 18.50.-
15 500(c) for all adoptions that occur after January 1, 1984. If the
16 information concerning biological parents required under AS 18.50.-
17 500(c) is requested but is not available for adoptions that occurred
18 before January 1, 1984, the state registrar shall request the commis-
19 sioner to attempt to obtain the required information from the child
20 adoption agency, records of the commissioner, or court adoption re-
21 cords, or a person authorized by law or regulation to place a person
22 for adoption.

23 (b) A child adoption agency licensed under AS 47.35.100 and a
24 person authorized by law or regulation to place a person for adoption
25 shall maintain records required under AS 18.50.500(c) and by the
26 regulations of the commissioner. If a child adoption agency or a
27 person authorized by law or regulation to place a person for adoption
28 ceases to place persons for adoption, it shall transfer its records to
29 the commissioner.

1 established under AS 18.50 are subject to inspection under the pro-
2 visions of AS 18.50.

3 * Sec. 5. AS 25.23.150(c) is amended to read:

4 (c) Except as authorized in writing by the adopted child if 14
5 or more years of age, or by the adoptive parent, or upon order of the
6 court for good cause shown [IN EXCEPTIONAL CASES], no person may [IS
7 REQUIRED TO] disclose the name or identity of either an adoptive
8 parent or an adopted child.

9 * Sec. 6. AS 25.23 is amended by adding a new section to read:

10 Sec. 25.23.185. RECORDS AND INFORMATION. (a) The clerk of the
11 superior court, the department, or the person placing a child for
12 adoption shall obtain from each known biological parent of the adopted
13 person for the state registrar

14 (1) the information listed in AS 18.50.500(c) on a form
15 prepared by the department;

16 (2) a statement as to whether the ^{BIOLOGICAL PARENT WISHES} ~~adopted person~~ ^{TO HAVE CONTACT WITH THE ADOPTED PERSON} ~~may have~~
17 ~~access to information on the original certificate of birth~~ when the
18 person is 18 years of age or older;

19 (3) a statement that indicates the biological parent has
20 been informed that the state registrar must attach the biological
21 parent's current name and address to the original birth certificate at
22 any time the biological parent wishes to have a current address
23 attached; and

24 (4) a statement which indicates the biological parent has
25 been informed that the child, after reaching 18 years of age, may have
26 a current name and address attached to the original birth certificate.

27 (b) The statement and the information provided by a biological
28 parent under (a) of this section shall be attached to the original
29 birth certificate of the adopted person.

1 (c) The biological parent shall be given a copy of a statement
2 provided under (a)(2) of this section.

3 (d) The biological parent of a child placed for adoption may
4 change a statement filed under (a)(2) of this section at any time and
5 this option of the biological parent shall be stated on the copy of
6 the statement provided to the biological parent under (c) of this sec-
7 tion, AND MAY UPDATE INFORMATION FILED UNDER

8 * Sec. 7. This Act takes effect January 1, 1984. AS 18.50.500 (f)

(e) THE ADOPTIVE PARENTS SHALL BE ADVISED IN WRITING BY THE CLERK, SUPERIOR COURT, DEPARTMENT OR PERSON PLACING THE CHILD FOR ADOPTION THAT THE CHILD HAS THE RIGHT TO ACCESS TO THE ORIGINAL BIRTH CERTIFICATE AT AGE 18 OR OLDER AND THE NON-IDENTIFYING INFORMATION DESCRIBED IN 18.50.500 (c). EACH ADOPTIVE PARENT SHALL ACKNOWLEDGE RECEIPT OF THE FORM & SHALL BE GIVEN A COPY OF THE FORM.

(f) A CHILD ADOPTION AGENCY OR A PERSON AUTHORIZED BY LAW TO PLACE A CHILD FOR ADOPTION SHALL PROVIDE COUNSELING SERVICES TO ADOPTEEES, BIOLOGICAL PARENTS & ADOPTIVE PARENTS AT THE TIME OF ADOPTION AND ON-GOING AS REQUESTED, SO THAT ALL PARTIES ARE TREATED WITH RESPECT & COMPASSION FOR EACH OTHER. COUNSELING GUIDELINES SHALL BE PROVIDED BY THE COMMISSIONER.

SJ 1855
(1984)

with a majority vote. Signed by
Ray, Chairman and concurred in by Senators Pettyjohn and
Eliason. Senator Ziegler signed "no recommendation".

The committee attached:

"Senate Judiciary Committee
Letter of Intent"

CSSSSB 241 (Judiciary)

It is the intent of the Judiciary Committee that the right of privacy of the biological parents of an adopted child shall be recognized as preferential when said parent or parents have consented to an adoption, as contra-distinguished from the adopted person's 'right to know.' Furthermore, it is the intent of the committee, when requests for identifying information are made by an adopted person, that notice of such requests must be given each biological parent insofar as possible. However, on behalf of an adopted person who is seeking genealogical identification of his or her biological parents, this legislation provides - and this committee intends - that such information may be divulged provided that no objection to the release of the same has been filed by that biological parent.

/s/ Bill Ray
Senator Bill Ray, Chairman
Senate Judiciary Committee

Adopted 1/25/84"

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 241 was referred to the Rules Committee.

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