

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86 / 2

2289 HHESS SB 229 - SB 241

228

84-14

CCREE - SITKA PHASE II

\$ 6,500.0

This request is for the second building (Phase II) for the Sitka Community College Campus. It will contain vocational shops, general classrooms, offices, storage, and community service rooms. It includes permanent and operational equipment.

84-15

COMMON USE INFORMATION EQUIPMENT

\$ 3,167.6

Equipment in this category includes such items as computer hardware for the computer network, development of new systems for use by the whole University system, and library books and media equipment at UA/Anchorage and UA/Juneau. This equipment is used by a wide variety of people. The computer equipment in particular needs to be purchased to permit a continued and planned upgrade of the facilities from year-to-year as a result of changing technology.

84-16

EQUIPMENT

\$ 4,884.1

There is an ongoing need to purchase instructional, research, and direct support equipment throughout the University system. This is all in excess of replacement equipment funds which are normally available in the operating budget. The university has greatly expanded its programs and the amount of equipment purchased has lagged behind. Major upgrades in the area of instructional telecommunications and high technology areas require something more substantial than simple replacement.

Statewide Budget Office

September 30, 1982

84-17

FISHERIES RESEARCH AND INSTRUCTION AT UA/JUNEAU

\$ 385.0

These funds would be used to complete Phase II of the seawater circulation system at UA/Juneau which would include a permanent pumphouse and reservoirs, supply pumps, filters and headtanks. The seawater system is used for holding marine animals and plants for teaching and research purposes at UA/Juneau. Phase I has already been completed. Additionally, this relatively new program has expanded into the new third floor addition of the Fishery Science Building and the facility needs a variety of equipment to be operational. Some examples of equipment include a freezer/dryer, ultracentrifuge, computer terminals, chromatograph, and aquariums.

84-18

ADMINISTRATIVE EQUIPMENT

\$ 913.2

Funds are being requested for Statewide Administration to microfilm and store all pertinent design and construction drawings for all University facilities. This would permit better recordkeeping and be a more secure way of keeping track of our facilities. Funds are also being requested for UA/Anchorage to purchase physical plant equipment for snow removal, general maintenance, ground maintenance, and equipment for the maintenance shop. Additional equipment including word processors and computer terminals are also needed.

The UA/Fairbanks coal handling facility project would improve the efficiency of handling 75,000 tons of coal per year at the UA/Fairbanks heating plant. The proposal is for building a heated enclosure large enough to hold ten railroad cars of coal. The structure would be designed so that coal can be thawed from waste heat from the power plant which would result in more efficient burning of the coal in the furnaces. At present, up to five men must be utilized to help with coal handling. This structure would permit the reduction to one or two persons. UA/Anchorage building modifications for energy and safety is being requested for the modification of the energy modules to heat supply and combustion air when the ambient condition is below freezing. Funding for a building automation system for the UAA/ACC campus is also requested. This system would permit monitoring of campus energy utilities and energy user systems in each facility. Control would be provided for each of the fire zones in each campus facility.

Total

\$ 159,973.1

UNIVERSITY OF ALASKA
FY84 CAPITAL REQUEST
MAU PRIORITIES

<u>MAU PRIORITY</u>	<u>TITLE</u>	<u>AMOUNT</u>	<u>TOTAL</u>
<u>STATEWIDE ADMINISTRATION</u>			
84-1	Statewide Services Building	\$ 18,800.0	
84-2	Campus Master Planning	1,100.0	
84-3	Facilities Blueprint Microfilming	215.0	
84-4	Life Cycle Costing	250.0	
84-5	Computer Hardware Acquisitions	1,085.0	
84-6	Statewide Systems Software Development	1,100.0	
	Subtotal Statewide		\$ 22,550.0
<u>UA/FAIRBANKS</u>			
84-1	Student Housing Complex Phase I	11,000.0 - SB 19	
84-2	Classroom/Laboratory/Office Building	20,000.0 - SB 18* 1,200.	
84-3	Instructional and Support Equipment #1	3,240.0 - SB 162 - 1,623	
84-4	Repairs and Renovations	703.0 -	
84-5	Code Deficiencies Corrections	2,747.0 - SB 18*	
84-6	Seward Dock Cathodic Protection	435.0 - SB 600. 500.0	
84-7	Student Housing/Renovations	4,000.0	
84-8	Development Needs Assessment/Planning	1,500.0	
84-9	Native Studies/Fine Arts Instructional Space	1,151.0 - SB 18*	
84-10	Campus Paving, Traffic Signals and Lighting	520.0 - SB 162 - 133.00	
84-11	Grounds Improvements and Campus Landscaping	250.0	
84-12	Coal Handling Facility	1,400.0	
84-13	Architectural Barrier Removal	254.0 - SB 162	
	Subtotal UA/Fairbanks		47,200.0

SW - R/R 4,000.

UNIVERSITY OF ALASKA
 FY84 CAPITAL REQUEST
 MAU PRIORITIES

<u>MAU PRIORITY</u>	<u>TITLE</u>	<u>AMOUNT</u>	<u>TOTAL</u>
<u>UA/ANCHORAGE</u>			
84-1	Classroom/Lab/Office Building	\$ 25,300.0	\$
84-2	Needs Assessment and Pre-program Building Design	750.0	
84-3	Repair and Renovation/CAS Building	1,500.0	
84-4	Campus Housing	5,000.0	
84-5	Bookstore Fixtures	330.0	
84-6	Administrative Furnishing Shortfall	350.0	
84-7	Physical Plant Equipment	627.3	
84-8	Administrative Services Equipment	70.9	
84-9	Instruction/Research/Support Equipment	1,002.9	
84-10	Library Books	788.6	
84-11	Student Services/Athletics/PE Sports Center	100.0	
84-12	Building Modification for Safety and Energy	995.5	
84-13	Repairs and Renovations	884.8	
84-14	Land Acquisition	9,900.0	
Subtotal UA/Anchorage			47,600.0
<u>UA/JUNEAU</u>			
84-1	Student Housing Phase I	13,200.0	
84-2	Campus Development Needs Assessment	150.0	
84-3	Vocational Ed. Shop and Equipment	800.0	
84-4	Library Materials and Media Equipment	194.0	
84-5	Marine & Technology Center Equipment	500.0	
84-6	Seawater Circulation System Phase II	175.0	
84-7	Fisheries Science Center Equipment	210.0	
84-8	Fine Arts Program Equipment	186.0	
84-9	Renodeling of Counseling and Admissions	68.0	
84-10	Repairs and Renovations	367.0	
Subtotal UA/Juneau			15,850.0

Handwritten notes:
 - 15,850.00
 - 25,300.00

UNIVERSITY OF ALASKA
FY84 CAPITAL REQUEST
MAU PRIORITIES

<u>MAU PRIORITY</u>	<u>TITLE</u>	<u>AMOUNT</u>	<u>TOTAL</u>
<u>ANCHORAGE COMMUNITY COLLEGE</u>			
84-1	Classroom/Administrative Building Phase I	\$ 10,600.0	
84-2	Equipment/Applied Science	548.4	
84-3	Telephone Lines-Six Year Maintenance Plan	250.0	
84-4	Instructional Telecommunications Development	310.0	
84-5	Instructional Equipment	145.0	
84-6	Pedestrian Circulation Improvement	250.0	
84-7	Faculty Offices	11.6	
	Repair and Renovations	1,040.0	
	Campus Needs Assessment and Planning	100.0	
	Subtotal Anchorage Community College		13,255.0
 <u>CCREE</u>			
84-1	Building Code Corrections	670.0	
84-2	Handicapped Barrier Removal	197.0	
84-3	TVCC Campus Facility Phase II (Planning and Design)	1,500.0	- SE 18
84-4	Repairs and Renovations	1,023.9	
84-5	Sitka Community College Phase II	6,500.0	
84-6	PWSCC Classroom/Laboratory/Office Building (Planning and Design)	450.0	
84-7	Campus Development Needs Assessment/Planning	210.0	
84-8	Total Equipment: Instructional/Institutional Telecommunications and Support	1,517.2	
84-9	Land Acquisition for Campus Development	450.0	
84-10	Roads, Streets and Parking	910.0	
84-11	KECC Land and Building Acquisition Elimination of Access Problem	90.0	
	Subtotal CCREE		13,518.1
	TOTAL UNIVERSITY OF ALASKA		<u>\$ 159,973.1</u>

Introduced: 4/5/83
Referred: Finance

Classrooms

Funding Information
General Fund \$45,017,000
Other Funds -0-
\$45,017,000

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

SENATE BILL NO. 229

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making special appropriations to the University of Alaska for certain capital projects and planning; and providing for an effective date."

7

8

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

10 * Section 1. The sum of \$26,300,000 is appropriated from the general
11 fund to the University of Alaska for construction of classroom facilities
12 at the Anchorage campus and the Anchorage Community College campus.

13 * Sec. 2. The sum of \$3,800,000 is appropriated from the general fund
14 to the University of Alaska for construction of an agricultural classroom
15 facility at the Matanuska-Susitna Community College.

16 * Sec. 3. The sum of \$450,000 is appropriated from the general fund to
17 the University of Alaska for design of a classroom, laboratory and office
18 facility at the Prince William Sound Community College.

19 * Sec. 4. The sum of \$1,500,000 is appropriated from the general fund
20 to the University of Alaska for design of classroom facilities at the
21 Fairbanks campus.

22 * Sec. 5. The sum of \$600,000 is appropriated from the general fund to
23 the University of Alaska for engineering and design for the petroleum
24 engineering/geology building at the Fairbanks Campus.

25 * Sec. 6. The sum of \$2,300,000 is appropriated from the general fund
26 to the University of Alaska for construction of the Duckering Building
27 addition at the Fairbanks campus.

28 * Sec. 7. The sum of \$1,150,000 is appropriated from the general fund
29 to the University of Alaska for the Fine Arts Instructional Space/Native

1 Studies Facility at the Fairbanks campus.

2 * Sec. 8. The sum of \$2,747,000 is appropriated from the general fund
3 to the University of Alaska for correction of building code deficiencies at
4 the Fairbanks campus.

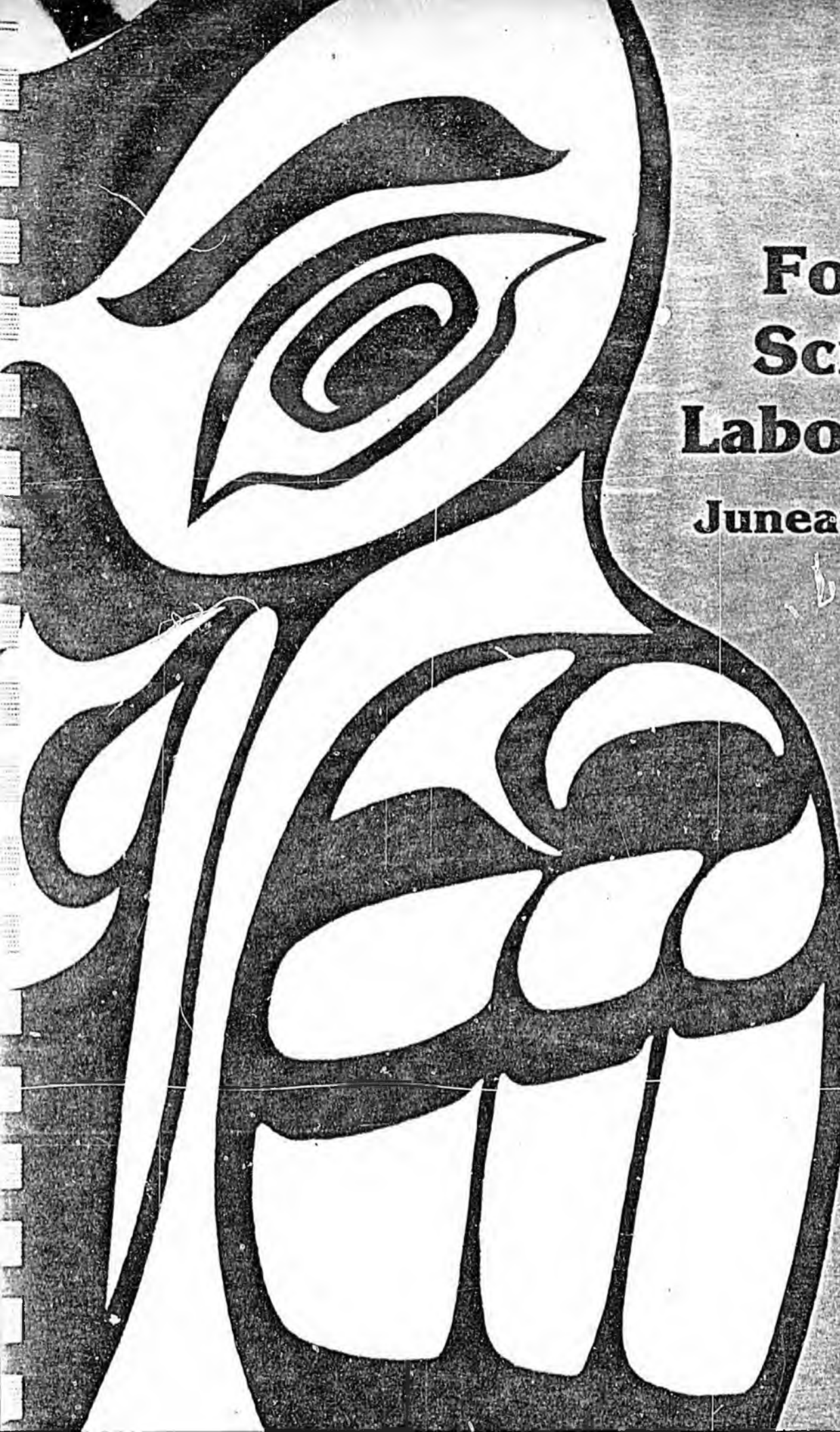
5 * Sec. 9. The sum of \$1,500,000 is appropriated from the general fund
6 to the University of Alaska for phase II design for a campus facility for
7 Tanana Valley Community College.

8 * Sec. 10. The sum of \$4,100,000 is appropriated from the general fund
9 to the University of Alaska for construction of a forestry sciences labo-
10 ratory at the Juneau campus.

11 * Sec. 11. The sum of \$570,000 is appropriated from the general fund to
12 the University of Alaska for phase II design of a classroom facility at
13 Sitka Community College.

14 * Sec. 12. The appropriations made by this Act are for capital projects
15 and are subject to AS 37.25.020.

16 * Sec. 13. This Act takes effect immediately in accordance with AS 01.-
17 10.070(c).



**Forestry
Sciences
Laboratory**
Juneau, Alaska

Project Title ① Forestry Sciences Laboratory UAJ Phase I		Location(s) ② Juneau		Election Districts Served ③ 4		Start Date ④ Immediate		Completion Date ⑤ 7-84	
⑤ AGENCY REQUEST			⑦ Operational Cost & No. Personnel Increase - (Decrease)		First Operating Year	Ultimate Annual Year	GOVERNOR'S REQUEST		
							Approved	Deferred	Disapproved
1002	Federal Receipts		Funding Source	Federal Receipts			1002	Federal Receipts	
1003	G/F Match			General Fund	0	0	1003	G/F Match	
1004	General Fund	4100.0						General Fund	
1005	I/A Receipts							I/A Receipts	
	G.O. Bonds							G.O. Bonds	
Total			Total Annual Operational Cost		0	0	Total		
			Position (FTE)						
			Previous Year Priority						
			Agency Priority						
			Governor's Priority						

PROJECT DESCRIPTION ⑧

All planning, design, architectural and engineering for the Forestry Sciences Lab. have been completed. This request will secure right of way and an access road from the back loop road as well as site preparation, excavation, installation of utilities, building foundation, and a parking lot for the 29,000 sq. ft. (8,500.0) facility which will employ approximately 40 persons when completed. Operation and maintenance of the facility will be the responsibility of the U.S. Forest Service who will occupy a portion of the building.

The research branch of the Forest Service has maintained for several years a small staff headquartered at Juneau, which operates throughout coastal Alaska. This research staff while making good progress on field studies, has been seriously handicapped by the lack of laboratory facilities. The Forest Service is expanding substantially its Juneau research unit, in order to accelerate solutions to the many high priority laboratory facilities is increasingly critical.

The laboratory plans include about 800 square feet for University staff. Close proximity of the laboratory to the University will facilitate the participation of Forest Service scientists in teaching and student guidance roles, student use of Forest Service library, as well as the potential for University students to secure temporary or permanent employment, and do graduate work in cooperation with the Forestry Sciences Laboratory.

An adjacent 7.51 acre parcel of Forest Service land will be made available to the University at completion of the laboratory. The Forest Service will lease the laboratory from the University.

(Prepared by Rep. Duncan Staff)

LEGISLATIVE MEMBER'S SIGNATURE:

CATEGORY ⑨

AGENCY

PROGRAM

Page of

Revised Date

FY 84

35 LEGISLATIVE REQUEST PROPOSED CAPITAL

March 1, 1982

A FORESTRY SCIENCES LABORATORY AT THE AUKE LAKE CAMPUS OF THE
UNIVERSITY OF ALASKA

PRESENT STATUS

The 1981 Alaska Legislature appropriated \$875,000 for planning a Forestry Sciences Laboratory on the University of Alaska campus at Juneau. The Architectural and Engineering plans are well along to completion. Construction costs of the laboratory are estimated at \$8.78 million if funds are appropriated by the 1982 legislature. Construction could begin by fall, 1982, with completion and occupancy of the facility by spring, 1984.

Statistics for the laboratory are:

- . Gross space - 29,000 square feet
- . Planning costs A&E, etc. - \$875,000 (appropriated 1981)
- . Estimated construction costs (if bid summer, 1982) - \$8,780,000
- . Total staff (including 18 scientists) - Approximately 40
- . Estimated completion and occupancy - 1984

WHY THE LABORATORY IS NEEDED

Southeast Alaska is beautiful, and rich in natural resources. These resources--including timber, fish, and wildlife--are important contributors to the economy of Southeast Alaska. Demands for the commercial and recreational use of the resources will continue to increase as the population of the area grows and markets expand. Proper management of resources, while protecting the beauty and uniqueness, requires new knowledge; results of research conducted elsewhere cannot be safely applied to the ecosystems of southeast Alaska. Research is needed to increase the productivity of Alaska's forests. Equally needed is new information for protecting and enhancing other forest resources including recreation, fish, wildlife and esthetic values.

The Research branch of the Forest Service has maintained for several years a small staff headquartered at Juneau which operates throughout coastal Alaska. This research staff, while making good progress on field studies, has been seriously handicapped by the lack of laboratory facilities. The Forest Service is expanding substantially its Juneau research unit, in order to accelerate solutions to the many high priority forest and related resource problems in S.E. Alaska. Thus, the need for laboratory facilities is increasingly critical.

While the research is directed at solving on-the-ground field problems, laboratory facilities are required to analyze soil, water, and plant samples; determine habitat requirements of anadromous fish; learn to suppress forest insects and diseases; and conduct a variety of controlled experiments. A laboratory and associated facilities is an essential base of operations for field work.

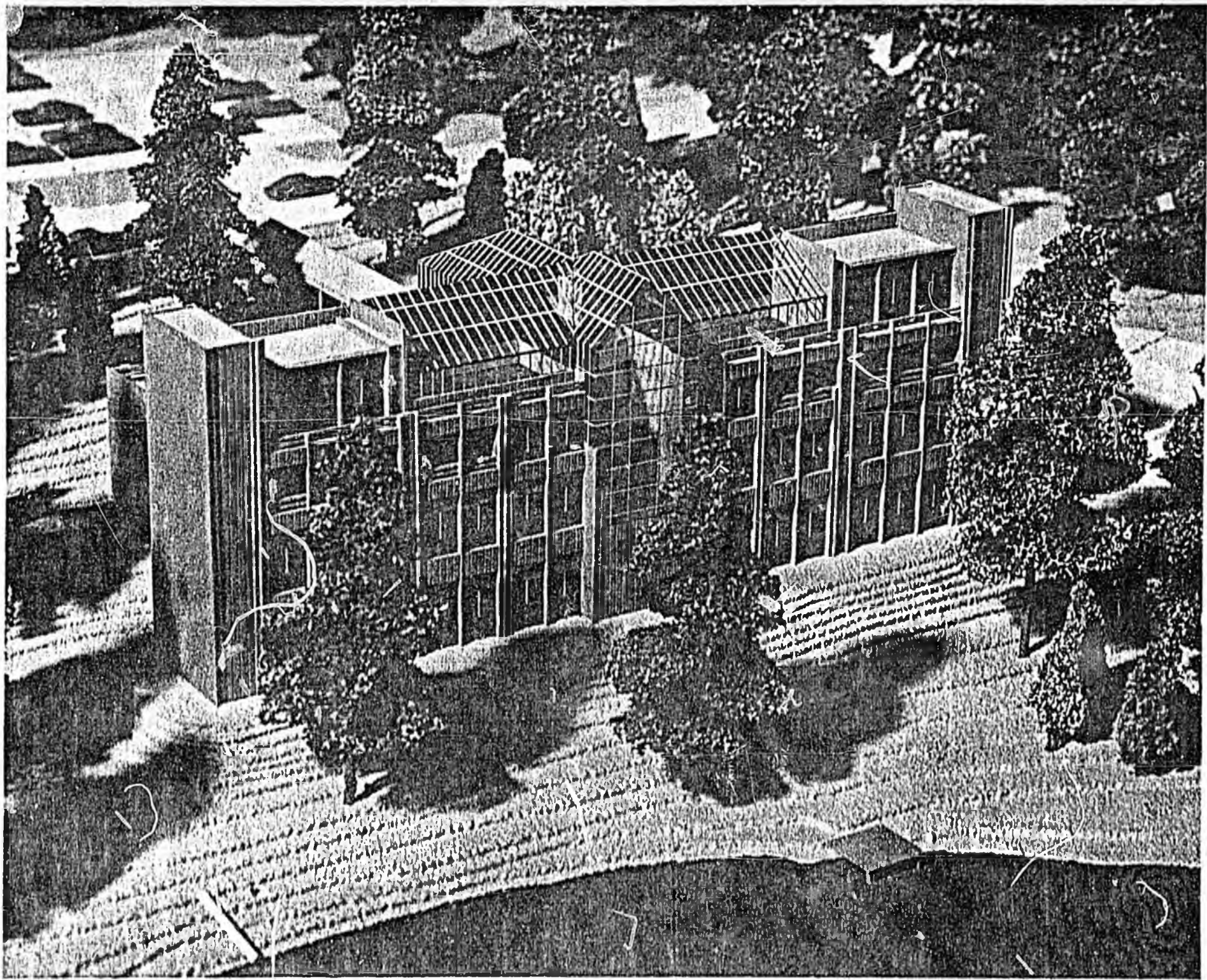
The staff of the Forestry Sciences Laboratory now makes do with offices and makeshift laboratory rooms on the sixth floor of the Federal Office Building in Juneau. An office building is unsuitable as a laboratory. It is not possible to grow plants, rear animals, conduct controlled environment experiments, or engage in other activities normally conducted in biological laboratories. There is no safe place to store or use volatile chemicals and it is not possible to vent fumes. As a result, the research staff must either limit or cancel urgently needed work in order to avoid unsafe conditions.

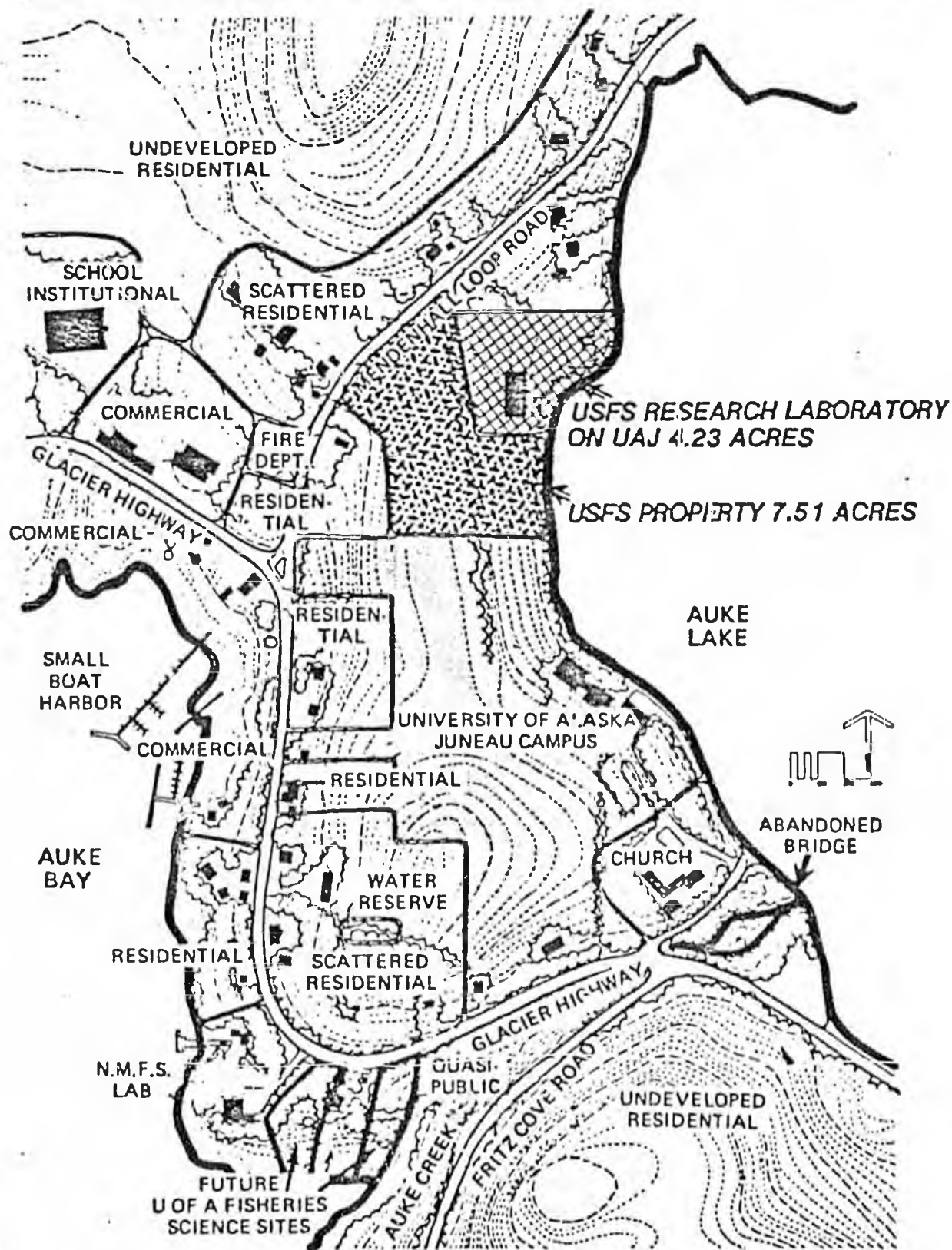
A laboratory is urgently needed that would provide the facilities, equipment and space to conduct the research needed to understand the complex interactions of plants and animals of the coastal ecosystems and their physical environment. Field studies would be supplemented and extended by laboratory facilities. Work presently planned could be done more quickly. Important work now foregone because of the lack of laboratory facilities could be done.

FOREST SERVICE - UNIVERSITY OF ALASKA ARRANGEMENTS

The laboratory plans include about 800 square feet for University staff. Close proximity of the laboratory to the University will facilitate the participation of Forest Service scientists in teaching and student guidance roles, as well as the potential for university students to secure temporary or permanent employment, and do graduate work in cooperation with the Forestry Sciences Laboratory.

An adjacent 7.51-acre parcel of Forest Service land will be made available to the University at completion of the laboratory. The Forest Service will lease the laboratory from the University. (See enclosed Agreement)





LABORATORY SITE AND ADJACENT LAND USE

AGREEMENT

This Agreement is made and entered into this 2nd day of March, 1983, by and between the University of Alaska, a constitutional corporation organized and existing under the laws of the State of Alaska, (hereinafter referred to as "University") and the United States Forest Service, Department of Agriculture, United States of America (hereinafter referred to as "Government").

WITNESSETH:

WHEREAS, Government desires the construction by University of a Forestry Sciences Laboratory, necessary utility hook-ups and access roads (hereinafter referred to as "Facility") on certain real property in Juneau, Alaska, owned by University and described in Exhibit A, attached hereto and by this reference made a part hereof; and

WHEREAS, such a facility has been designed from funds appropriated by the 1981 State of Alaska Legislature; and

WHEREAS, Government desires to lease the Facility for the uses and purposes provided for in the Lease attached hereto as Exhibit D and by this reference made a part hereof; and

WHEREAS, University supports the furthering of knowledge regarding the management and protection of Alaska's forest resources; and

WHEREAS, University desires to obtain title to that certain real property in Juneau, Alaska, described in Exhibits B and B1, attached hereto and by this reference made a part hereof, for the purpose of enhancing the campus of the University of Alaska, Juneau; and

WHEREAS, the real property described in Exhibits B and B1 is presently reserved by Government for research purposes; and

WHEREAS, the purposes to be accomplished by the research reservation can be accomplished at the Facility; and

WHEREAS, Government desires to obtain title to certain real property located near the Wrangell Narrows in Southeastern Alaska, more specifically described in Exhibit C, attached hereto and by this reference made a part hereof, for forestry nursery and related research purposes; and

WHEREAS, University and Government are willing to enter into an agreement to specify the actions and achieve the results desired by both parties.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties do hereby agree as follows:

1. The term of this Agreement shall commence upon execution by both parties and shall run for a period of twenty (20) years thereafter unless sooner terminated according to the terms and conditions set forth below.

2. University agrees to design and build the Facility upon its real property described in Exhibit A for the use and benefit of Government in accordance with the provisions of this paragraph 2 and paragraph 5 below; provided, however, that the following conditions have first been met:

A. The State of Alaska Legislature shall have appropriated sufficient funding to design and build the Facility. (It shall not be the responsibility of the University to seek said funding.); and

B. Government shall have issued such letters of approval or other documents as may be required by the Bureau of Land Management (hereinafter referred to as "BLM"), to accept or approve University's "Application for Land for Recreation or

Public Purposes" in order to classify, lease and patent to University the real property described in Exhibit B. (Said letters of approval or other documents may contain the stipulation that BLM not issue a "Recreation or Public Purpose Lease" until the State of Alaska Legislature has appropriated sufficient funding to design and build the Facility.) And provided further that Government shall not have revoked its withdrawal (PLO 2068) of the real property described in Exhibit B or consented to the disposal of said property to any third party without the prior written consent of University at any time before 1) said property is classified for recreation or public purposes, or 2) this Agreement is terminated, whichever occurs first; and

C. Government shall have granted and conveyed to University, within ninety (90) days after the effective date of an Act appropriating funds for the Facility, a thirty (30) year "Special Use Permit" with one hundred percent (100 %) fee waiver for University's exclusive use and occupancy for educational purposes of the real property described in Exhibits B and B1; said permit to terminate should the University exercise any option to terminate this Agreement; and

D. BLM shall have approved University's Application to classify the real property described in Exhibit B for recreation or public purposes, and the property is so classified; and

E. Government shall have reviewed and approved the site survey, schematic plans and working drawings for the Facility (hereinafter referred to as the "Plans"). And provided further that should any conflict arise between 1) the provisions of the approved Plans for the Facility and 2) the provisions set forth

in Schedules A and B attached to the Lease set forth in Exhibit D, the approved Plans shall prevail.

3. University may, at its sole option, terminate this Agreement at the end of two years after the effective date hereof for any or all of the following reasons: a) failure of State of Alaska Legislature to appropriate sufficient funding to build the Facility; b) Government's failure or refusal to grant University the "Special Use Permit" referred to in paragraph 2.C. above; or c) BLM's failure or refusal to classify the real property described in Exhibit B for recreation or public purposes.

4. If the conditions set forth in paragraph 2 above are met or if University elects, pursuant to paragraph 3 above, to continue this Agreement notwithstanding the lack of complete satisfaction of all conditions precedent, then University and Government shall mutually select a portion of the real property described in Exhibit C, to be exchanged for the real property described in Exhibit B1. Said exchange shall be effectuated by the delivery to University by Government of a warranty deed to the real property described in Exhibit B1 and by the delivery to Government by University of a quitclaim deed to the selected portion of the real property described in Exhibit C. Government shall pay all fees and costs required by the Government for the exchange, including, but not limited to, survey costs.

5. If the conditions set forth in paragraphs 2 and 4 above are met or waived, and upon substantial completion of the Facility, University shall let and lease to Government and Government shall take and lease from University the real property described in Exhibit A, including the Facility, for an initial five (5) year term with ten (10) one (1) year optional renewals in accordance with the terms and conditions contained in the Lease set forth in Exhibit D; provided, however, that University reserves the sole right to terminate the Lease at the end of the initial term or any one (1) year renewal thereof on account of BLM's continued failure or refusal to grant University a "Recreation or Public Purpose Lease" to the real property described in Exhibit B.

Government agrees to submit for University's countersignature, two original signed copies of the Lease set forth in Exhibit D within thirty (30) days after University shall have notified Government of substantial completion of the Facility. University agrees to return one fully executed original copy of said Lease to Government within thirty (30) additional days thereafter. The term of said Lease shall commence upon the date of its execution by University.

6. Upon University's receipt of patent title to the land described in Exhibit B and upon reimbursement to University by Government of all fees and costs paid by University to BLM to acquire said patent title, University shall, by quitclaim deed, convey to Government the real property described in Exhibit C, together with affixed improvements, except for that portion selected for exchange as described in paragraph 4 above.

7. This Agreement cannot be sold, assigned or otherwise transferred by either party without the prior written consent of the other party.

8. All notices shall be either hand delivered or sent, return receipt requested, through the United States mail to the parties at the addresses shown below:

UNIVERSITY

Director
Statewide Office of Land Management
3354 College Road
Fairbanks, Alaska 99701

GOVERNMENT

Robert L. Ethington
Station Director
809 N.E. Sixth Avenue
Portland, Oregon 97232

9. Government agrees to indemnify and save harmless University, its Board of Regents, officers, agents and employees from and against all claims, demands, judgments, costs and expenses (including reasonable attorney's fees) which may arise by reason of injury to or death of any person or damage to any property occurring on the real property described in Exhibits A, B, B1 and C when such injury, death or damage is attributable to the negligent or wrongful acts of Government, its agents, employees or representatives. Provided, however, Government shall be bound only to the extent that funds are appropriated for such purposes and to the extent that such obligation is authorized by law.

10. The failure of either party to insist upon the strict performance of any provision of this Agreement or to exercise any right, power or remedy upon a breach thereof shall not constitute a waiver by said party of any such provision, right, power, remedy, breach or subsequent breach of the same or any other provision.

11. The failure by either party to perform any duty imposed on it by this Agreement or the failure to conform its conduct to the standards imposed by this Agreement and all applicable statutes, regulations, ordinances, rules and codes shall be deemed a default under this Agreement.

In the event of default and except as otherwise provided above, the aggrieved party shall provide the defaulting party with thirty (30) days written notice of default and the opportunity to cure. If after thirty (30) days have expired and the defaulting party has failed to cure the default, the aggrieved party may, at its sole option, terminate this Agreement. In addition, the parties shall be entitled to any and all remedies provided by law.

12. Government agrees that, in the performance of its obligations pursuant to this Agreement, it will exercise its best, good faith efforts.

13. Except as otherwise provided above, Government and University agree to execute, without charge therefore, any additional documents necessary to perform their respective obligations arising pursuant to this Agreement.

14. Each party warrants that it has the authority to enter into this Agreement and that the persons signing for each are expressly authorized to do so. Government warrants further that the United States of America is the owner of record to the real property described in Exhibits B and B1 of this Agreement.

15. Time is of the essence in this Agreement.

16. Nothing in this Agreement shall be construed so as to render University in any way or for any purpose liable as a partner or joint venturer of Government, or in any way as creating a relationship of principal and agent between the parties hereto and neither party shall have the power to bind or obligate the other except as set forth in the Agreement.

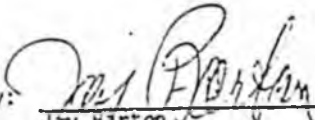
17. This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors and assigns.

18. If any provision of this Agreement or any application thereof shall be invalid or unenforceable, the remainder of this Agreement and any other application of such provision shall not be affected thereby.

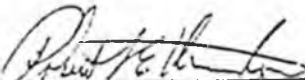
19. This Agreement sets forth all of the terms, conditions, covenants and agreements of the parties relative to the subject matter hereof and supersedes any and all former agreements, oral or written, which upon the execution and delivery hereof are hereby terminated and of no further force and effect. There are no terms, conditions, covenants or agreements with respect hereto except as herein provided. This Agreement may be modified by a document in writing and signed by both parties.

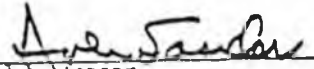
IN WITNESS WHEREOF, the parties hereto have executed this Agreement
the day and year first above written.

UNIVERSITY OF ALASKA

By: 
Jay Barton
President

THE UNITED STATES OF AMERICA,
DEPARTMENT OF AGRICULTURE,
FOREST SERVICE

By: 
Robert L. Ethington, Director
Pacific Northwest Forest and
Range Station,
Forest Service,
Department of Agriculture


John Sandoz
Regional Forester,
Region 10, Forest Service,
Department of Agriculture

Approved as to form:

ACKNOWLEDGMENTS

STATE OF Alaska)
 : SS
 JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 2nd day of March, 1983, before me, the undersigned Notary Public, in and for the State of Alaska, duly commissioned and sworn as such, personally appeared to me Robert L. Ethington, to me known to be the Director of the Pacific Northwest Forest and Range Experiment Station, Forest Service, United States Department of Agriculture, and who acknowledged to me that he executed the within Agreement on behalf of the United States of America, as said Director of the Pacific Northwest Forest and Range Experiment Station, by and through a proper delegation of authority, as the voluntary act and deed of the United States of America, for the uses and purposes therein mentioned.

Zrinka D. Duzich
 Notary Public in and for Alaska
 My commission expires: 4-1-86

STATE OF Alaska)
 : SS
 JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 2nd day of March, 1983, before me, the undersigned Notary Public, in and for the State of Alaska, duly commissioned and sworn as such, personally appeared to me John Sandor, to me known to be the Regional Forester, Region 10, Forest Service, United States Department of Agriculture, and who acknowledged to me that he executed the within Agreement on behalf of the United States of America, as said Regional Forester of the Forest Service, by and through a proper delegation of authority, as the voluntary act and deed of the United States of America, for the uses and purposes therein mentioned.

Zrinka D. Duzich
 Notary Public in and for Alaska
 My commission expires: 4-1-86

STATE OF ALASKA)
 : SS
 FOURTH JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 2nd day of March, 1983, before me the undersigned Notary Public, in and for the State of Alaska, duly commissioned and sworn as such, personally appeared Jay Barton, to me known to be the President of the University of Alaska, a constitutional corporation organized and existing under the laws of the State of Alaska, and who acknowledged to me that he executed the within Agreement on behalf of said corporation as such officer thereof, by authority of its Board of Regents, as the voluntary act and deed of said corporation, for the uses and purposes therein mentioned.

Zrinka D. Duzich
 Notary Public in and for Alaska
 My commission expires: 4-1-86

Extension Centers at:
Cordova
Copper Basin



Telephone
(907) 835-2539

PRINCE WILLIAM SOUND COMMUNITY COLLEGE

P.O. Box 590
Valdez, Alaska 99686

January 10, 1983

Alaska State Legislature
Juneau, Alaska

Greetings:

Attached you will find Prince William Sound Community College's 1983 Progress Report. This report is presented in support of our need for a campus building. We are a rapidly growing community college and in need of adequate space to meet accreditation requirements. We have made a number of requests for facilities in the past four years. Prince William Sound Community College is the only community college with no laboratory facilities and no permanent facility.

Thank you for any support you can give us in acquiring a campus building.

Sincerely,

John Devens, Ph.D.
President
Prince William Sound
Community College

JD:kw
Attachments

PRINCE WILLIAM SOUND COMMUNITY COLLEGE
1983 PROGRESS REPORT

I appreciate this opportunity to present highlights regarding the Prince William Sound Community College program. As many of you know, the Prince William Sound Community College program dates back to 1971 when concerned citizens of the city of Valdez petitioned the University of Alaska to establish an extension office in Valdez to offer post-secondary programming. As an extension of the University of Alaska, Fairbanks, the Valdez Learning Center offered its first courses in 1971. All of these early courses were taught by part time instructors and the program was headed by a part-time coordinator. The program continued to grow throughout the pipeline era and in 1975 the local Policy Advisory Council petitioned the Board of Regents to allow the Valdez Learning Center community college status. This request for community college status was denied in 1975.

Community college status was granted in July of 1978 and the Valdez Learning Center officially became Prince William Sound Community College with extension centers in Copper Basin and Cordova.

Currently, Prince William Sound Community College maintains its administrative offices and full-time faculty at its Valdez center and has full-time extension center programs in Copper Basin and Cordova. Instructional programming is also provided in other communities in the service region including Tatitlek, Whittier, Kenny Lake, Copper Center, Glennallen, Lake Louise and Chitina. Eight full-time instructors and approximately 30 part-time instructors offer in excess of 60 courses per semester throughout the Prince William Sound region. A 71% increase in credit hour production since the fall semester of 1980 is an excellent indication of the acceptance of this program.

Today, Prince William Sound Community College has 28 staff members and a student enrollment of 1,000. Current facilities in Valdez include three buildings, formerly used as housing by the State of Alaska. These buildings were designed as small apartments and were never intended for use as administrative or instructional facilities. Class size is often limited because of the small size of the rooms used as classrooms.

There are no laboratories of any kind. This severely limits the programs and courses that can be offered as the most fundamental and basic science course requires practical laboratory experience.

Other facilities include the loan of warehouse space at the City dock which temporarily houses the welding program and some of the marine technology courses. Rented office space houses the media services department and provides one classroom, space is also on loan from the State of Alaska in the State Court and Office Building which contains the media services studio.

In Copper Basin, leased space provides for two offices and two classrooms and in Cordova, space rented from the school district provides one office and one classroom. At all three sites, school district facilities are used extensively to augment the physical classroom space.

Preliminary architectural studies have been conducted with local community members, students, faculty and staff. A two phase plan has resulted from these meetings. The first phase provides administrative and classroom space as well as specialized areas for the TV studio, marine technology and office occupations programs. The second phase would follow in the next budget year and would include shop facilities in a separate building.

In February and March of 1982, a comprehensive needs assessment was done in the Prince William Sound Community College region. The needs assessment was undertaken to determine: 1) the educational interests of graduating high school students; 2) the courses, programs and services desired by permanent area residents; 3) the knowledge area residents had of the college and its programs; 4) the preferred sources of information regarding the college; and 5) the barriers that prevented adults from continuing their learning activities.

The survey indicated that slightly over 50% of the high school students viewed Prince William Sound Community College as a place to take classes that would prepare them for jobs. High school students indicated they preferred courses in the area of business administration, electronics and office occupations.

Of the adult population surveyed, 96% believed the college should offer courses of study to prepare students for employment through vocational, technical or occupational areas. 89% believed the students should receive courses in preparation for transfer to a four year institution and 70% believed PWSCC should provide entertainment programs, public lectures and recreational opportunities for the community residents. The adult population indicated they desired courses in the areas of business administration, computer science, welding, commercial fishing technology, electronics, marine technology, office occupations and petroleum technology.

Everyone surveyed was aware of the existence of the college and 85% of the individuals surveyed were aware of the programs and services offered by the college. Over 50% of the people surveyed were planning to take courses at the college within the near future. Only 3% of the individuals indicated they had never received advertisements or information about the college.

Various problems were sighted as barriers preventing continuing education for adults. Of the barriers sighted, job responsibilities, scheduling, and child care problems were major obstacles. A lack of basic skills was listed by 5% of the individuals as problems preventing them from taking advantage of the college programs.

The most important result of the survey is a clear indication of the support for PWSCC. 90% of the individuals surveyed believed the adult education programs are worthy of the investment of their tax dollars, an attitude reflected by the continuing financial support offered the college by the City of Valdez. Respondents demonstrated their confidence in the future of the college by expressing interest in programs or classes not yet offered.

Based on the results of the community-wide needs assessment and a self study completed in January, 1982, PWSCC is currently working towards a number of objectives including: 1) accreditation; 2) enhancement of the Community College Council; 3) the development of more resources for the outreach programs; 4) development of adequate facilities to service the individuals in the PWSCC region.

ACCREDITATION: Although PWSCC received community college status in July of 1978, we have delayed applying for candidacy for accreditation until recently due to our lack of solid funding, faculty, library and library resources, and adequate facilities. With the completion of our consortium library agreement with the City of Valdez, the increase in our staff to include eight full-time faculty members and a Coordinator of Student Services capable of providing counseling services, and the increase in our budget to the approximate amount suggested by the Board of Regents for a startup community college, we feel we are ready to go forward for accreditation. The current schedule includes hiring a consultant to work with us in preparation of our application for the June 1983 meeting of the Northwest Association of Schools and Colleges, with the anticipated visit of the evaluation team during the fall of 1983, and the Northwest Association's decision regarding our candidacy to come at their December, 1983 meeting.

COMMUNITY COLLEGE COUNCIL: The Prince William Sound Community College has a nine member Regional Community College Council and a number of vocational and academic advisory committees. The Community College Council is made up of two

representatives from the Copper Basin area, five individuals from the Valdez area, and two individuals from the Cordova area. The members of the Community College Council are extremely supportive of the college and provide a wide representation of our region.

In addition to the Community College Council, advisory committees have been formed in each of the three major areas. The advisory committees in the Copper Basin region and in Cordova respond directly to the Extension Coordinator with recommendations regarding programming needs in the respective areas. Valdez has several advisory committees which work with the Campus President or the Director of Vocational Programs. The Campus President has lunch with the Valdez Advisory Committee every other Monday. These lunch meetings are used to share information regarding the college and to receive input regarding the community's perception of the college.

During the coming year, new by-laws will be developed with regard to the regionwide Community College Council. The Community College Council has expressed strong interest in being involved in the accreditation process, facilities planning and in the budget process.

PROGRAM REVIEW: With the expansion of educational offerings and services provided by Prince William Sound Community College has come a welcome growth in our student body. During the past year, Prince William Sound Community College has experienced a move towards the development of a more traditional, full-time student body.

During the past two years, Prince William Sound Community College has acquired eight full-time faculty and has developed a number of programs. We feel the following programs and areas of emphasis deserve mention within this report:

Alaska Studies: In the area of history and the social sciences, Dr. John Bury has firmly established the Center for Alaska Studies as an integral part of the PWSCC instructional program. During this past year, the program received the Ester Billman Certificate of Excellence from the Alaska Historical Society. This resulted, in part, from the establishment of a nautical archaeology program and the direction of over 14 different oral history and research projects on Prince William Sound which are to be published. In addition, the program offered over 35 courses in Alaska history, wildlife, arts, and literature and also worked with establishing PWSCC as a part of the Nationwide Elderhostel-Chautauqua Program. This program, which works with senior citizens who wish to continue their education,

saw 104 students over the age of 60 attend college level classes for credit at PWSCC. During the summer of 1983, the program has booked 240 students over the age of 60 to participate in six separate programs.

Developmental Disabilities: In January of 1982, Janis Johnson became the faculty member teaching in the developmental disabilities program. Ms. Johnson came to Prince William Sound Community College from the Parsons Program in Kansas where she served as a program coordinator. During the past year the Associate of Arts program in Developmental Disabilities has been revised and PWSCC will be seeking permission to change the Associate of Arts program to an Associate of Applied Science in Developmental Disabilities. The State of Alaska Department of Education has recently provided a grant to the employees at the Harborview Developmental Center to pay for their involvement in the PWSCC Developmental Disabilities program. This is the only program of its kind in the State of Alaska and one of only a few other such programs in the country.

Welding Programs: In January of 1982, Rick Watson joined the PWSCC staff as a welding instructor. Mr. Watson received his training and much of his experience in ship building yards on the west coast. Mr. Watson has developed a number of courses in welding which serve the needs of our local fishermen and employees at the Alyeska Pipeline Service Company, as well as offering the standard courses in shielded metal arc welding and gas welding. Our courses in welding are usually limited to 12 individuals and almost without exception are full.

Office Occupations: Kristen Forrester was moved from part-time instructor to full-time faculty member in the office occupations area in January of 1982. Since that time Ms. Forrester has continued to work very hard towards establishing an office occupations laboratory on campus. A special appropriation from the State Legislature has made it possible to develop a laboratory and purchase the needed office occupations equipment to promote this program which is also offering the National Certified Professional Secretary Program.

Fisheries: During this past year, Dr. Philip Chung has joined Kevin Hekrdle as an instructor for the marine program at Prince William Sound Community College. Dr. Chung specializes in seafood technologies and has been very instrumental in research and development projects with local fishermen and local fish processors. With the advent of the Statewide FITC program, Prince William Sound Community College is re-evaluating its role in delivery of fisheries courses to the Prince William Sound region.

Liberal Arts: The liberal arts program has been instrumental in the development of the regional publication "Soundings" and our English and humanities instructor, Gail Renardson, coordinated the efforts to present a writer's workshop during the past year which brought Pulitzer Prize winning novelist, Michael Shaara, and Alaska's Poet Laureate, Richard Dauenhauer to Valdez as instructors.

Student Services: Student services is a new department which was formed when PWSCC hired Linda Fossen as the Coordinator of Student Services in September of 1982. Since her arrival in Valdez, Ms. Fossen has developed a program to provide counseling to PWSCC students in the areas of financial aid, career planning, and academic and personal counseling. She has also developed a program of testing and referral services and job placement assistance for our students. Other projects which will be undertaken by the student services department include working with the PWSCC staff towards accreditation for the college and working directly with the student body in setting up a student government organization on the PWSCC campus.

Media Services: Media Services has greatly expanded its offerings over the past year. Tom Van Brocklin, Coordinator of Media Services, has initiated the offering of media production courses to augment the darkroom and photography classes usually offered at PWSCC. Television production courses have been used to provide a "stringer" service to KTUU, Channel 2 News, which airs nightly over the satellite to the entire state. As a result of this service, seven tapes have been provided on specific news stories from the Valdez area. Media services has also recently completed a video production called "Interior Alaska: A Land of Extremes". This 14-minute bilingual video production was prepared for the Copper River Native Association and funded from grant monies provided by the Department of Education.

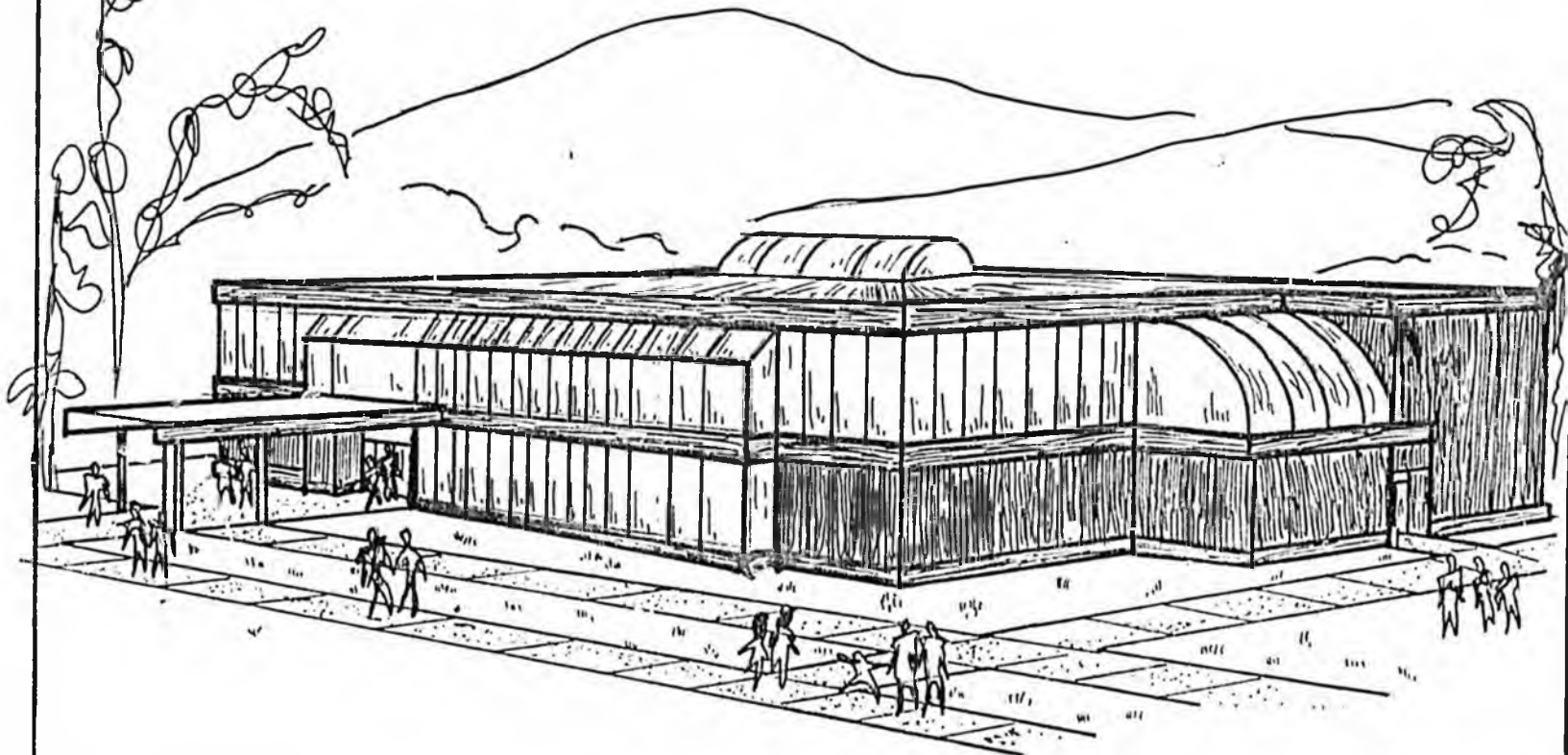
Adult Basic Education: Adult Basic Education has long been and continues to be one of the main thrusts of community service for PWSCC. The ABE department is headed by Coordinator, Susan Bury, formerly the State Director for ABE in Iowa before coming to Valdez. Since January of 1982, the ABE program has provided 12,636 contact hours working with 188 students. Since January, 42 students have received GED diplomas and 83 others are currently making progress towards their GED. Through the ABE program, 60% of the students who were unemployed when they started the program are now employed. Five students have been helped in receiving their U.S. citizenship. The average student graduating from the PWSCC G.E.D.

program scores in the low 70's when compared to a national average of 58 on the national test.

Outreach Programming: PWSCC's extension centers in the Copper Basin area and in Cordova have continued to grow at a rapid rate. Additional growth in the outreach areas will be dependent upon the resources which can be applied to setting up programs in the smaller communities which are currently not being fully served. During the past year, PWSCC has expanded into offering course work in the village of Tatitlek and has received requests for increased work in Whittier and the Lake Louise area. Growth in the Copper Basin area has been steady with a dramatic increase in the number of native students taking college level courses. Meetings with the Advisory Committee in the Copper Basin area suggest a strong desire for the development of a program which supports the cottage industries associated with arts and crafts. The Cordova program continues to show strong emphasis in courses which support the fisheries industry.

GROWTH PROJECTIONS: Currently, PWSCC is serving 11% of the population in the service region. Comparing the current Fall semester with the Fall semester of 1980, we can see that PWSCC has had a 71% increase in credit hour production. This same increase is evident in our unduplicated head count and in the number of full time students. We anticipate continued growth, however, it will probably be at a somewhat slower rate than it has been during the past several years. Our growth is limited to the funds available for outreach programs and our lack of facilities both in Valdez and at our Extension Centers.

PRINCE WILLIAM SOUND COMMUNITY COLLEGE
- CAMPUS FACILITY ; RENDERING



N.T.S.
PAGE 1 OF 6
D-27-B2

PRINCE WILLIAM SOUND COMMUNITY COLLEGE
ENROLLMENT STATISTICS

	<u>Credit Headcount</u>								Total
	Valdez		Copper Basin		Cordova		Subtotals		
	P/T	F/T	P/T	F/T	P/T	F/T	P/T	F/T	
Spring 1980	186	7	162		19		367	7	374
Fall 1980	166		139		106		411		411
Spring 1981	283	26	141		160		584	26	610
Fall 1981	210	9	141		130		481	9	490
Spring 1982	234	20	156		125	1	515	21	536
Fall 1982	232	13	165	2	150		547	15	562

	<u>Non-Credit Headcount</u>				Total
	Valdez	Copper Basin		Cordova	
Spring 1980	299	117		11	427
Fall 1980	361	84		38	483
Spring 1981	209	147		48	404
Fall 1981	279	11			290
Spring 1982	373	83		449	905
Fall 1982	346	88			434

EXPLANATIONS:

- 1) Any student taking at least one credit is counted as a credit student, even though he/she may be involved in non-credit activity; the non-credit headcount is restricted to those students taking only non-credit courses. The two headcounts added together will give an unduplicated student count.
- 2) "P/T" indicates a part-time student, taking less than 12 credits; "F/T" indicates a full-time student, taking 12 or more credits in a semester.
- 3) The Cordova Extension has had non-credit activity in the Fall 1982 semester, but the statistics are not available at this time. Those non-credit students will affect the non-credit headcount for the Fall 1982 semester.

PRINCE WILLIAM SOUND COMMUNITY COLLEGE
ENROLLMENT STATISTICS

	<u>Credit Hours</u>								Total
	Valdez		Copper Basin		Cordova		Subtotals		
	P/T	F/T	P/T	F/T	P/T	F/T	P/T	F/T	
Spring 1980	524	108	288		22		834	108	942
Fall 1980	500		237		178		915		915
Spring 1981	724	411	218		306		1248	411	1659
Fall 1981	735	125	241		320		1296	125	1421
Spring 1982	797	258	291		279	12	1367	270	1637
Fall 1982	680	190	335	24	337		1352	214	1566

	<u>Non-Credit Contact Hours</u>								Total
	Valdez		Copper Basin		Cordova		Subtotals		
	NCR	CR	NCR	CR	NCR	CR	NCR	CR	
Spring 1980	493.6	71.7	251.6	26.9	11	1	756.2	99.6	855.8
Fall 1980	1721.1	152.4	194.4	10.9	19.3	5	1934.8	168.3	2103.1
Spring 1981	556.1	178.4	173.2	9.2	28.8	5.6	758.1	193.2	951.3
Fall 1981	687.2	81.2	5.9	2.7			693.1	83.9	777
Spring 1982	618.7	157.4	73.1	21	1693.6	276.2	2385.4	454.6	2840
Fall 1982	826.1	124.9	102.5	21.4			928.6	146.3	1074.9

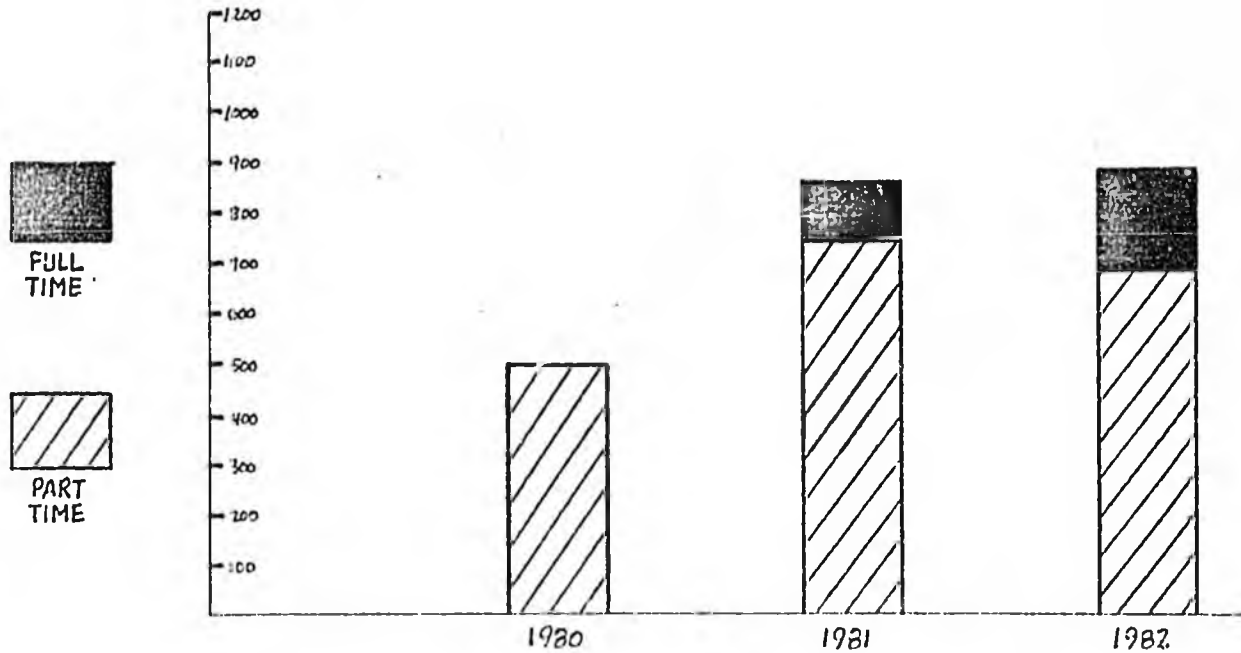
EXPLANATIONS:

- 1) "NCR" indicates that these are the course contact hours of those students represented in the non-credit headcount; "CR" indicates that these are the course contact hours of those students represented in the credit headcount who were involved in non-credit activity.
- 2) When the statistics for the Cordova Extension non-credit activity become available, they will affect the non-credit contact hours for the Fall 1982 semester.
- 3) One additional note: There is still some light credit and non-credit activity at all three units, so the Fall 1982 data is subject to possible changes.

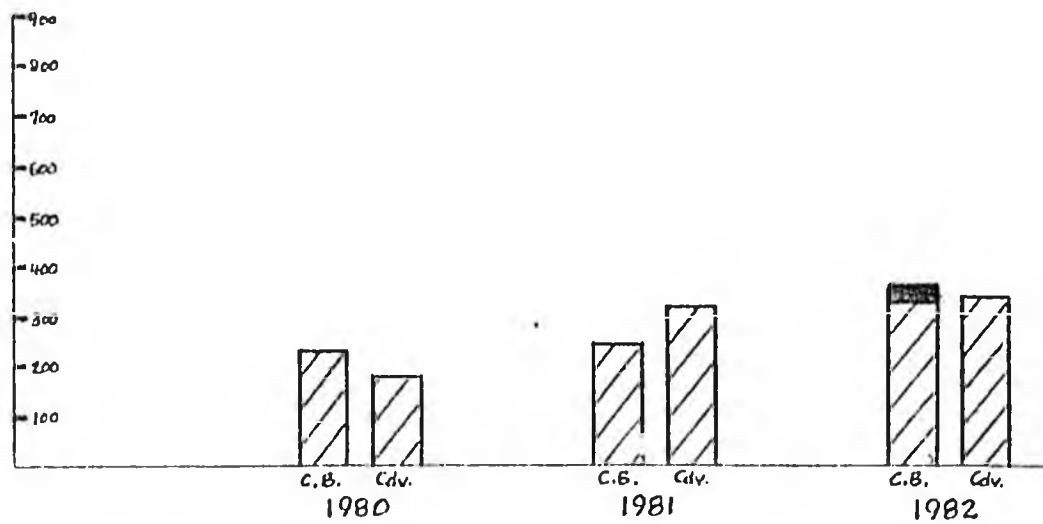
Prince William Sound Community College

ENROLLMENT TRENDS Credit Hours - Fall Semesters

VALDEZ



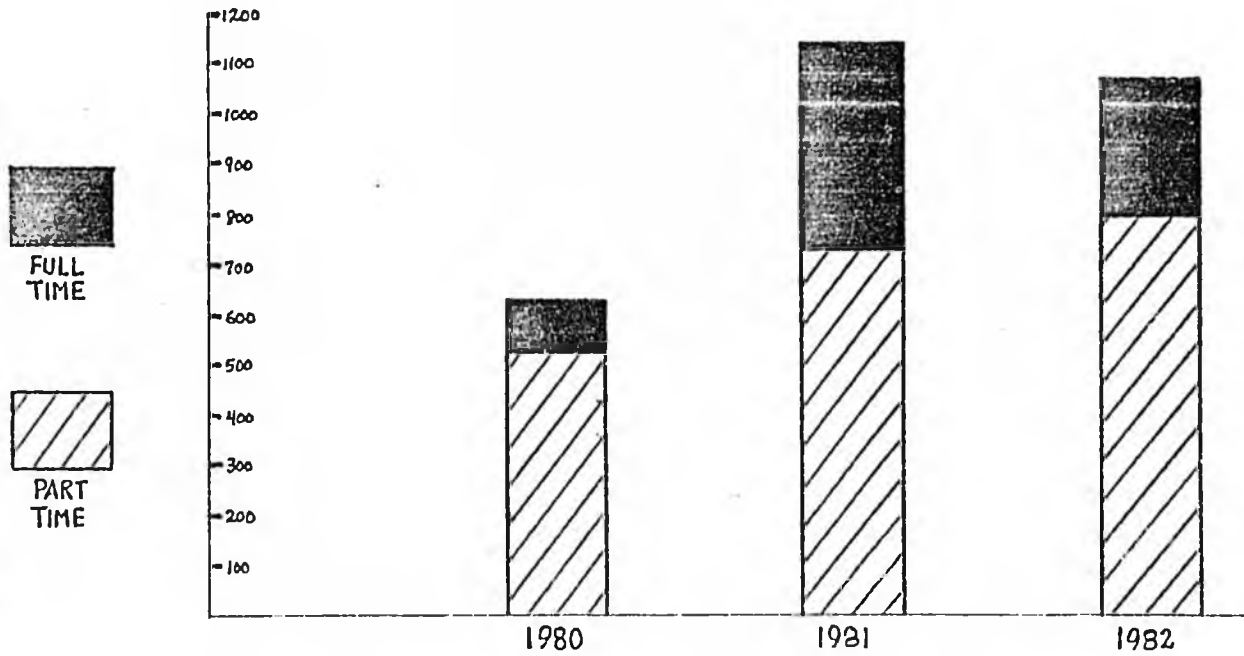
EXTENSIONS: Copper Basin & Cordova



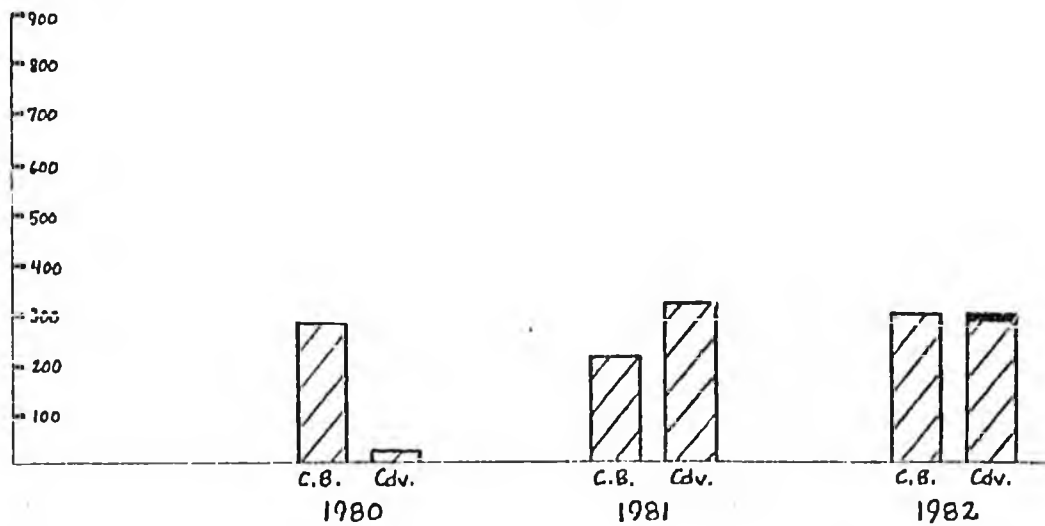
Prince William Sound Community College

ENROLLMENT TRENDS Credit Hours - Spring Semesters

VALDEZ



EXTENSIONS: Copper Basin & Cordova

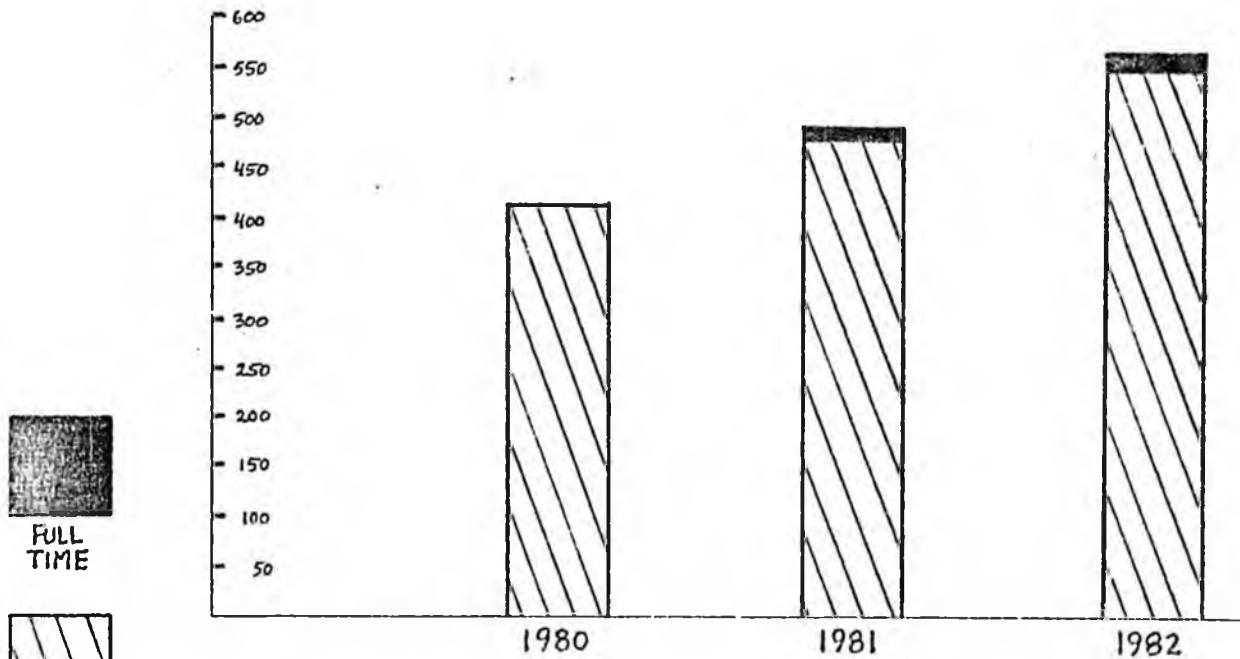


Prince William Sound Community College

ENROLLMENT TRENDS

Combined Credit Headcount - Valdez, Copper Basin & Cordova

FALL SEMESTERS

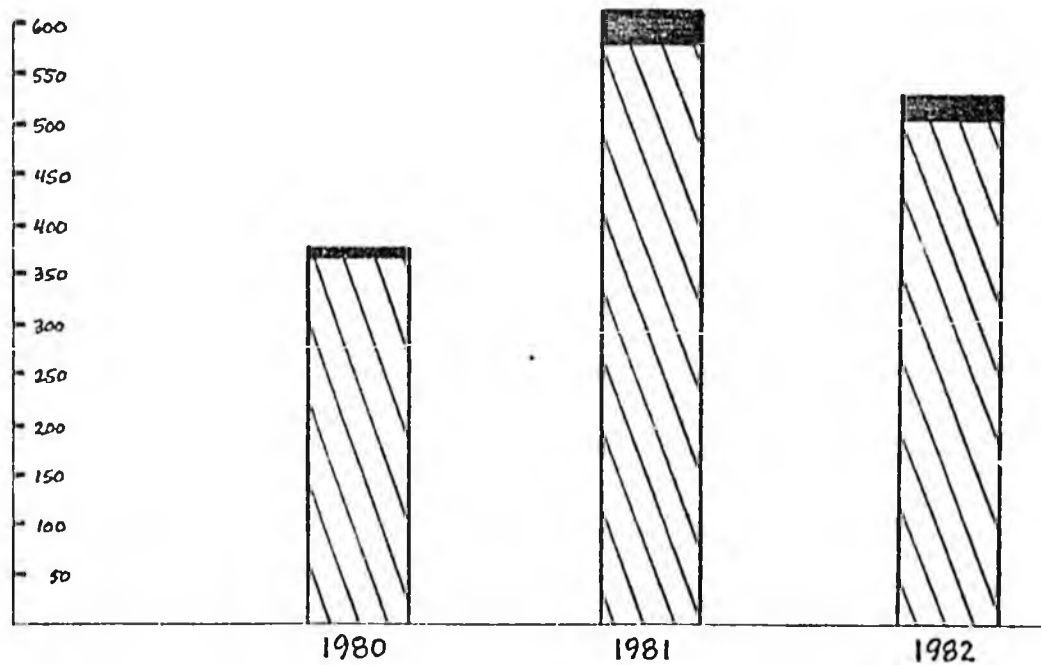


FULL TIME



PART TIME

SPRING SEMESTERS

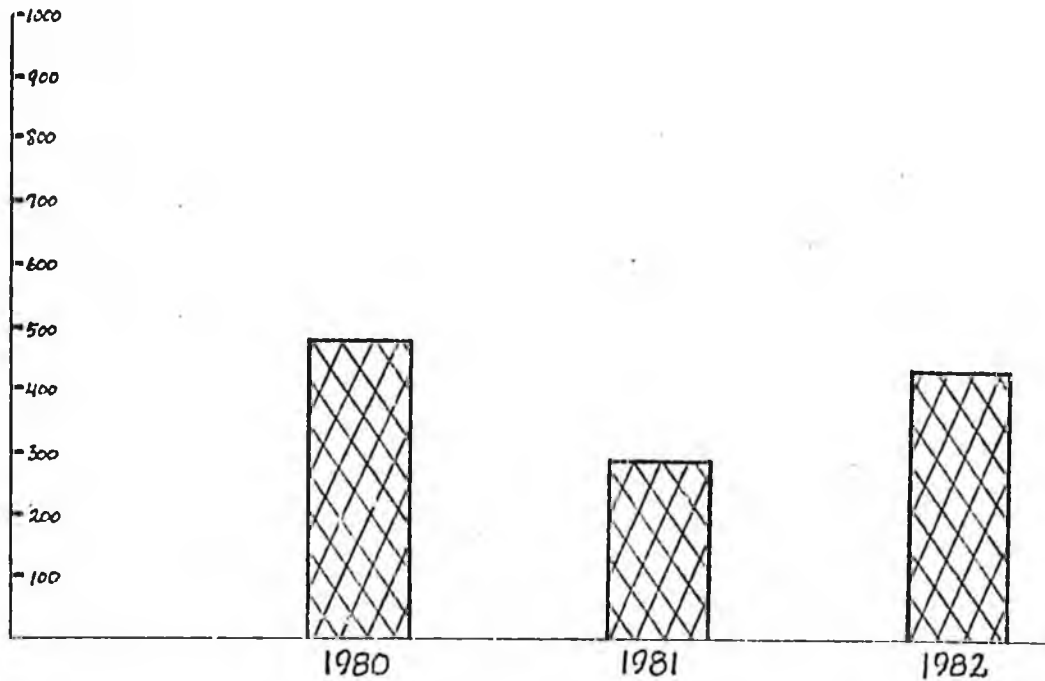


Prince William Sound Community College

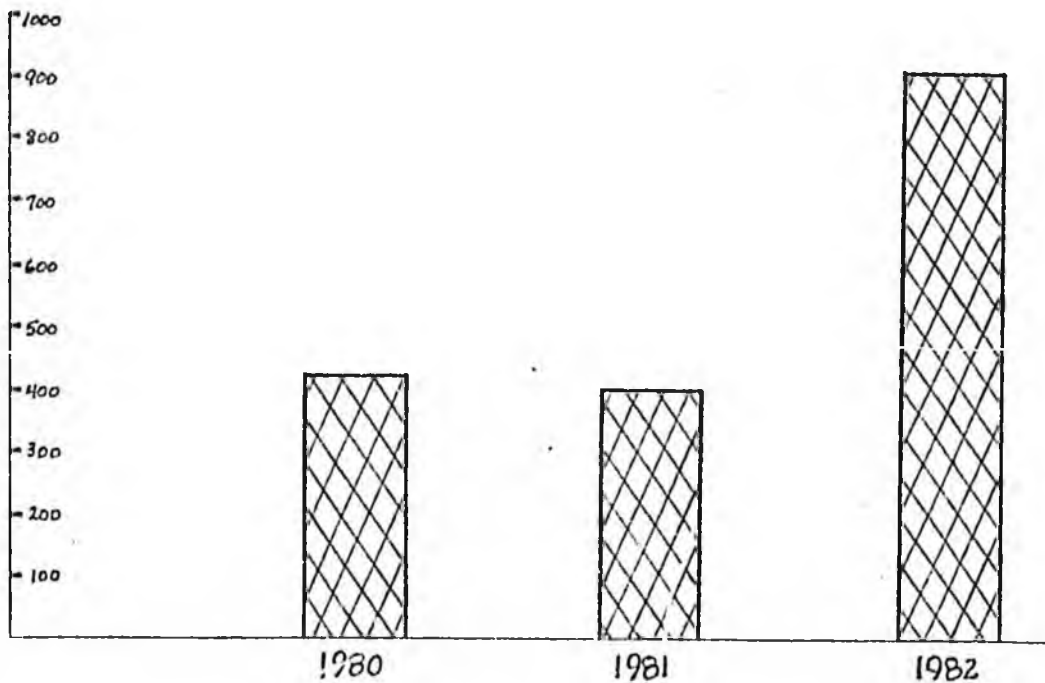
ENROLLMENT TRENDS

Combined Non-Credit Headcount - Valdez, Copper Basin & Cordova

FALL SEMESTERS



SPRING SEMESTERS

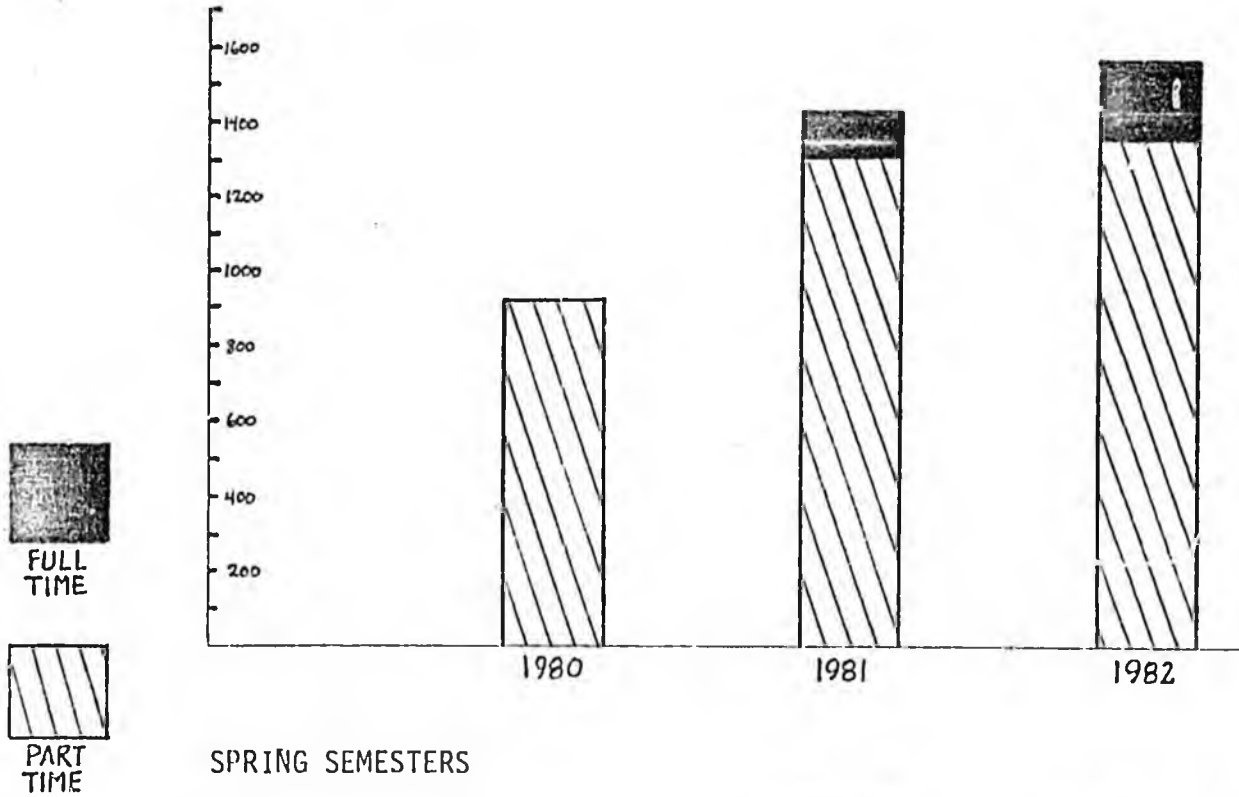


Prince William Sound Community College

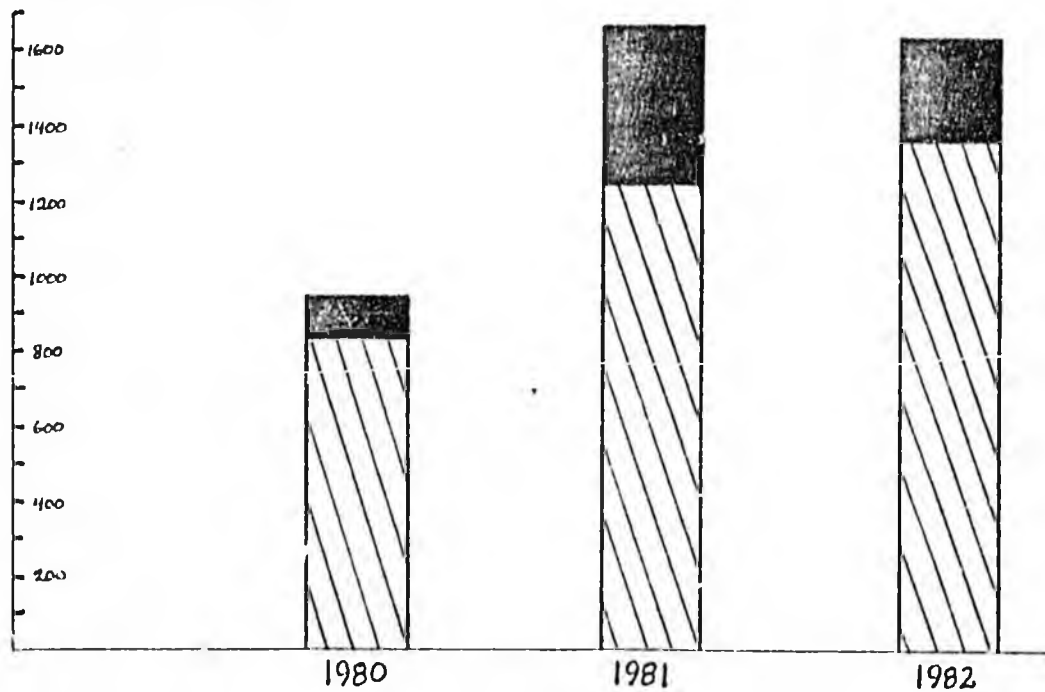
ENROLLMENT TRENDS

Combined Credit Hours - Valdez, Copper Basin & Cordova

FALL SEMESTERS



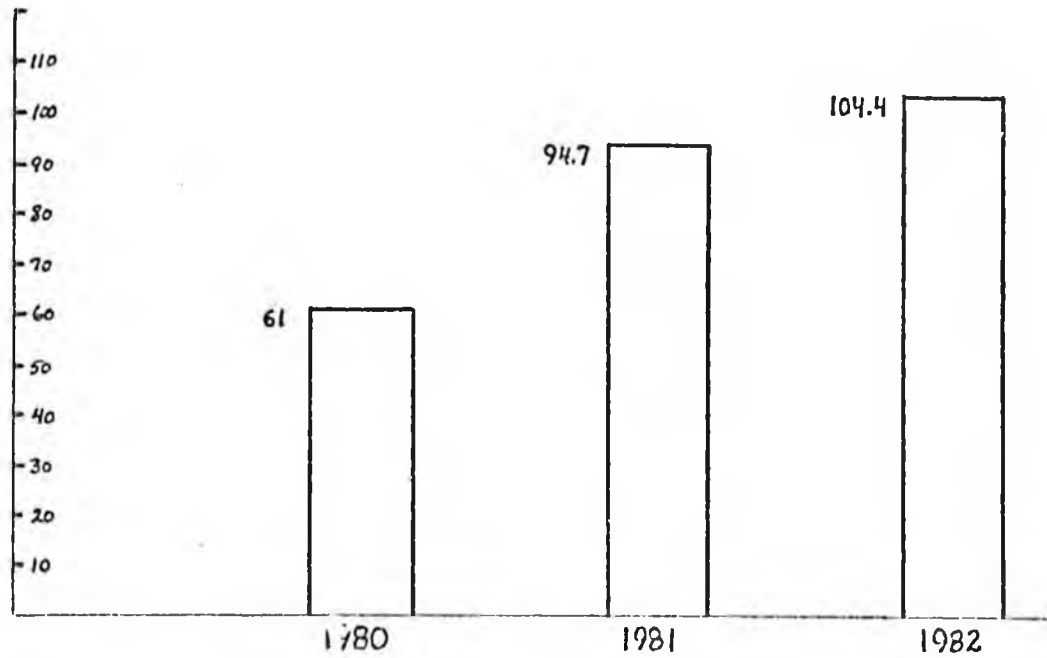
SPRING SEMESTERS



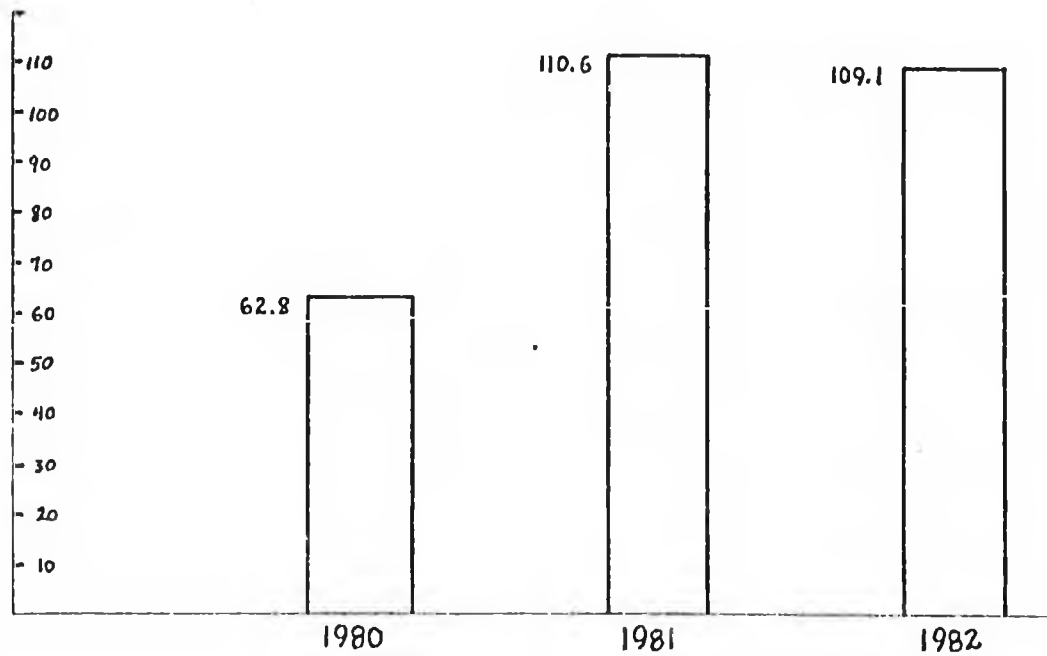
Prince William Sound Community College

ENROLLMENT TRENDS F.T.E. (Full-Time Equivalent)

FALL SEMESTERS



SPRING SEMESTERS



Alaska State Legislature

District 11
3305 Oregon Drive
Anchorage, Alaska 99503



While In Juneau
Pouch V
Juneau, Alaska 99811
(907) 465-3759

Representative Mae Tischer

May 4, 1983

Ms. Anita Fisher
3-461 ECB
Anchorage, Alaska 99501

Dear Ms. Fisher

I am writing in response to your Public
Opinion Message regarding SB 229.

On May 2, 1983, the House Health, Education
and Social Services Committee held a public
hearing on SB 229, and passed the bill out
of committee.

Senate Bill 229 is now referred to the
Finance Committee.

Sincerely,

Mae Tischer

Representative Mae Tischer
District 11

MT/cw

MEMBER: Rules
CO-CHAIR: Health, Education & Social Services
VICE-CHAIR: Community & Regional Affairs
FINANCE SUBCOMMITTEES: Health & Social Services • Rural Education Budget Oversight • Corrections

MESS. #9695 JUDY/MATSU, 4/18/83

TO: REPRESENTATIVES TISCHER, FRITZ, AND A. ADAMS

FROM: ANITA FISHER
3-461 ECB
ANCHORAGE 99501 PH. 745-6275

APR 19 1983

AS A STUDENT, TAXPAYER, AND REGISTERED VOTER I WOULD APPRECIATE A VOTE FOR SB229. IT WILL FILL A GAP IN THE EDUCATIONAL SYSTEM OF ALASKA BY PROVIDING A FACILITY FOR FUTURE AGRICULTURAL PROGRAMS.

Dave -
do you
know about
SB229

S B

241

House Health, Education & Social Services Committee
April 30, 1984
CS for Sponsor Substitute for SB241 (Jud)am

Analysis
Alaska Chapter, National Association of Social Workers

- Section 1 -Provides that a court order is required for inspection of adoption records and deletes the State Registrar's authority to adopt regulations with respect to such inspection. (It is currently the practice of the State Registrar to release original birth certificates by regulation although the Statutes prohibit such release.)
- Section 2 -Provides for access to adoption information and requires the State Registrar to notify biological parents by certified mail (addressee only) of a request for identifying information made by adult adoptees.
- Permits release of identifying information to adult adoptee unless State Registrar has received a written objection to the release from the biological parent.
 - Permits the release of eight 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 the 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 eight items of non-identifying information to the State Registrar.
 - Requires that the Department of Health and Social Services attempt to obtain the eight 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 for identifying information with consent.
- Section 5 -Clarifies language prohibiting release of identifying information on adoption.
- Section 6 -Prohibits the disclosure of the name of either an adoptee or a biological parent.

CSSSSB241 (Jud)am

Alaska Chapter, National Association of Social Workers

page 2

- Section 7
- Requires persons or agencies placing children for adoption to obtain for the State Registrar the eight items of non-identifying information and a statement that the biological parent is aware of the release of information procedures and that the State Registrar must attach current information on them and on the adoptee to the original birth certificate at any time.
 - Requires that the non-identifying information shall be attached to the original birth certificate.
 - Requires that the biological parent must be given a copy of their completed consent form.

The Alaska Chapter, National Association of Social Workers believes that CSSSSB 241 addresses the interests of both adoptees and biological parents and provides a balance between their needs. Furthermore, CSSSSB241 provides for a change in adoption record keeping 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 Kleinkauf, MSW, ACSW

Alaska Chapter, National Association of Social Workers

April 30, 1984

Adoption Records: Open or Closed

by

Cecilia "Pudge" Kleinkauf, MSW, ACSW
Associate Professor, Dept. of Social Work
University of Alaska-Anchorage

Should adoption records be sealed? That question has been undergoing significant debate in the legislature of virtually every state in the United States during the last five years. The secrecy with which our society has surrounded adoption in modern times is no longer blindly accepted, but has emerged from the shadows into the light of painful re-examination. Legislators, judges and attorneys, as well as adoptees, biological parents, researchers and mental health professionals, are finally considering whether such secrecy really serves the best interests of all the parties to adoption.

History

Adoption, a legal and social avenue to parenthood, is as old as recorded history. The ancient Greeks, Egyptians and Romans all had specific methods by which adults assumed parenthood for children not born to them. Most cultures also sanction arrangements of various kinds for the establishment of other than biological par-

enthood. Originally adoption served mainly to meet the needs of adults, both those who were childless and those who were unwilling or unable to raise a child, modern adoption practices, except for grey or black market adoptions, focus on meeting the needs of children.

From colonial times until the latter half of the 19th century, indenture arrangements by orphanages and various forms of foster or work-home placements served to substitute for the adoption of many children. Individual children could still be adopted, however, through the passage of a specific act of adoption by the appropriate legislative body. Following the passage of a general adoption law in Massachusetts in 1851, other states also enacted laws, which at first mainly provided for a legal record of the transfer of the child. Not until the '30's did laws begin to reflect the

requirement for the sealing of records and the issuance of a new birth certificate.¹ The intent behind such provisions were a wish to "erase" the social stigma of illegitimacy, protection of adoptive parents from intrusion by biological parents, denial of the differences between biological and adoptive parenthood and a disregard of the adoptee's interest in knowing his or her origins.


Contributing Social Forces

"Within the past twenty years, however, five trends emerged that have had a decided impact on the adoption issues we confront today. They are: a declining birth rate, changing sexual mores, increasing concern about the rights of minority groups, mounting interest in personal genealogy, and an increasing

"If you want the very best!"
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Concern about the rights of minority groups, mounting interest in personal genealogy, and an increased tendency to view the courts as the final arbiter of all disputes."²

While a decline in the birth rate has meant fewer children available for adoption, and the turning of many prospective adoptive parents to the black or grey market,³ it has probably also contributed (at least in part) to the increasing numbers of couples investigating alternate avenues to parenthood, such as artificial insemination, "test-tube" pregnancies, and surrogate arrangements. A reduction in the availability of adoptable infants, coupled with an increase in the availability of older or "hard to place" children, has undoubtedly encouraged both adoption agencies and adoptive parents to re-examine preferences and practices.

Sexual mores have changed, and single parenthood — with or without marriage — is an accepted fact of modern life. Increased awareness and utilization of a variety of methods of contraception, together with safe and legal abortions, have reduced the numbers of unwanted children available for adoption. Marriages which are childless by choice contribute to some reduction in the numbers of prospective adoptive couples.

The '60's and '70's have been characterized by numerous "rights" movements by varied minority groups. Adoption has been affected by efforts to ensure that Black, Chicano, and Indian children are placed with families who can ensure the transmission of racial and cultural heritage as well as by the women's movement focus on the issue of choice as it relates to child-bearing. Adoptees and biological parents have also established a variety of organizations to further their rights as minority groups.

Interest in one's "roots" is hardly limited to adoptees although their "searches" have received more publicity than those of others, except perhaps for Alex Haley.⁴ Because of the secrecy of adoption records and thus the difficulty in obtaining information, adoptees are often left with

Incomplete information about their biological heritage, blood siblings, medical and genetic history and racial background. The wish to know one's heritage, coupled with the belief that discrimination results from laws which deny only adoptees access to information about themselves have provided the greatest impetus to the open records movement.⁵

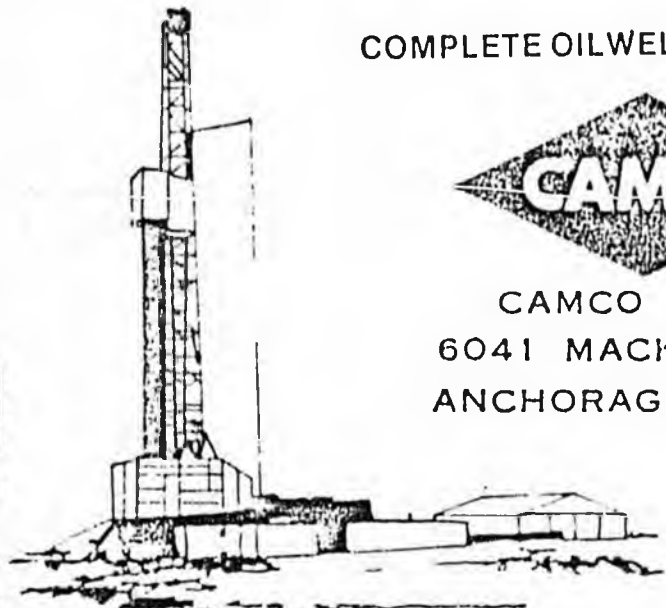
Groups and organizations comprised of adoptees, biological parents and adoptive parents have also formed to affect adoption practices as well as to advocate, and educate the parties to adoption in everything from legislative action, and judicial reform to methods and skills for "the search".

The courts, while identified in most state statutes as the avenue through which adoptees can have their records opened, have proven unresponsive to the petitions for access to information, whether the basis has been medical, emotional or financial.⁶ The fact that most statutes direct the courts to base the decision on "good cause" which is an overly vague term, has also contributed to efforts to enact legislation providing for more identifiable criteria, especially where more universal access to information is desired.


Adoption Agency Practices

The procedures of adoption agencies are beginning to change in light of the current efforts toward open adoption records. The Child Welfare League of America, recognized as the national standard-setter for adoption and other child welfare services, recommends that the adoption agencies carefully gather significant information so that it will be available in the future, inform parties to the adoption that firm guarantees of confidentiality can no longer be made because of changing laws, and assist the biological parent(s) to consider whether or not they will be willing to be contacted by the adoptee when he/she attains adulthood.⁷

The increase in adoption of older children, where maintenance of confidentiality is neither wise nor possible,⁸ has also contributed to re-examination of current adoption practice, as has a proposal for "open adoption" by Baran, Pannor and Sorosky. Open adoption is "an adoption in which the birth parents meet the adoptive parents, participates in the separation and placement process, relinquishes all legal,



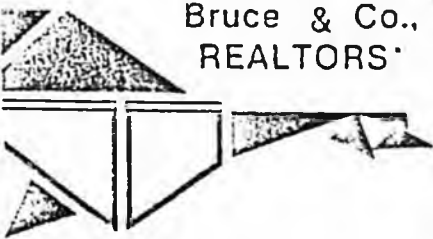
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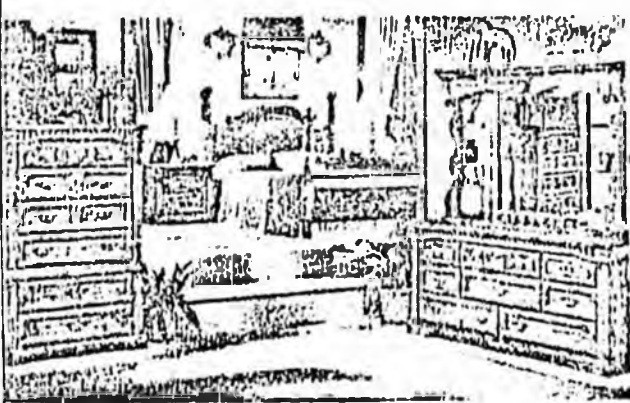
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oral, and nurturing rights to the child, but retains the right to continuing contact and to knowledge of the child's whereabouts and welfare."⁹

Psychological Issues

The dilemma of conflicting "rights" and "needs", however, provides the backdrop for all efforts to revise sealed adoption records laws. While some take the position that "needs" are not to be equated with legal rights,¹⁰ that issue will not be debated here. The adoption triangle, so well described by Sorosky, Baran and Pannor,¹¹ consists of three parties (five individuals usually) each with separate but intertwining needs—the biological or birth parent(s), the adoptee, and the adoptive parents. Meeting the need of the adoptee to know his origins, violates, in the minds of many, the need of the biological parent to maintain anonymity. It is also seen by some as violating the need of the adoptive parents to maintain distance between themselves and the biological parent. In the reverse, the need of the biological parents' need to remain anonymous violates the adoptees' need for information.

Attitudes of the parties to the adoption triangle regarding access to information are changing.¹² A survey undertaken in Alaska during 1980 by this author revealed that adoptees, biological and adoptive parents overwhelmingly believed adoptees should have access to non-identifying information. Over 80% of the adoptees and biological parents, and 65% of the adoptive parents believed identifying information (names) should be released if that person's consent had been obtained.¹³

Searching

It must be noted, that not all requests for information or "searching" are for the purpose of obtaining names and seeking reunion. The fact that Scotland (as well as England, Finland, and Israel) permits access to adoption records enabled Triseliotis in 1973 to inter-

view 70 Scottish adoptees who had requested information during 1969-70. About one-third only wanted background information.¹⁴ Weidells' study of the results of the first 13 months of Minnesota's open records law also revealed requests for information on genetic history and birth relatives.¹⁵ Court requests for access to records have also been made for everything from medical history to the establishment of inheritance.¹⁶

Adoptees who "search" in an attempt to locate biological parents do so for a variety of reasons. The completion of an identity, and the establishment of "wholeness" like everyone else seem to be the most universal motivation.¹⁷ In almost every study done, female adoptees are much more desirous than male adoptees of learning more about their birth parents and more about their biological heritage and are more anxious to make contacts with the birth parents. It is suggested that women, as child bearers, are more concerned with their genetic heri-

tage, are freer to acknowledge the complex feelings associated with adoptive status, are more likely to define themselves in terms of family, and may have more identity conflicts in our society."¹⁸ Sorosky, et. al., also provide an excellent review of other research related to the psychological and social issues in adoption as they pertain to the various developmental stages in the life as an adoptee, male or female.¹⁹

Kadushin, after having reviewed the available research related to "searching", concludes that, "when adoptees meet their biological parents, in 80 percent of the cases or better, the meeting proves to be successful and satisfying to the participants."²⁰

Federal Open Records Legislation

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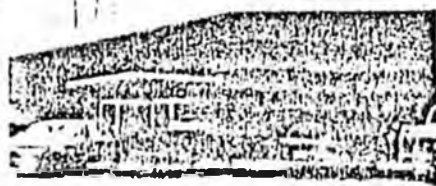
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Indian children—even though adopted—had a right to participation in their tribe prompted passage of the Indian Child Welfare Act by Congress in 1978. This act gives Indian adoptees 18 years of age or older access to information about the tribal affiliation of their biological parents.

Federal legislative efforts have generally centered on (1) a national registry system to facilitate contact between adoptees and biological parents, (2) a system of intermediary contact to obtain consents or (3) a release of all information on request. Because of the fact that many adoptions involve the laws of more than one state, "a proposal for such a federally sponsored but not necessarily federally operated-national adoptee-birthparent registry was introduced in the U.S. Senate in April, 1980 by Senator Carl Levin (D-Mich.). The proposal (S2561) died in committee."²¹

State Open Records Legislation

During 1977, Connecticut and Minnesota became the first states to enact legislation, permitting access to identifying information with the consent of the person to be identified. North Dakota followed in 1979. Michigan passed such legislation in 1980 as did Florida and Nebraska, while Iowa amended its adoption statues to provide for the release of non-identifying a registry to facilitate reunions.²²

Modeled generally after Minnesota and Connecticut, legislation to increase access to adoption records was introduced in Alaska in the 1980 legislative session by Representative Terry Gardiner (HB 792) and in the 1981 session by Senators Rodey, Sturguiewski, and Stimpson (SB 399) but neither bill has, as yet, passed. Both bills initially provided for:

1. Establishment of an intermediary system whereby the state would attempt to make contact with a biological parent to obtain a release of the original birth certificate when the adult adoptee had requested such information.
2. Establishment of a list of items (taken from Connecticut laws) constituting non-identifying information which could be released on request of the adult adoptee.

In addition to releasing non-identifying information, the 1981 version of the bill also included provisions for gathering specific non-identifying information (i.e. medical) and the attachment of such information to the original birth certificate. Adult adoptees would be provided such non-identifying information on request. Additionally the original birth certificate would be accompanied by an affidavit signed by the biological parent(s) which either granted or denied access to the original certificate by the adoptee upon her/his attaining the age of majority. Affidavits could be changed at any time.

The 1981 version of the bill was pending in the Senate Judiciary Committee at the conclusion of the 1981 legislative session, and will be carried over into the 1982 session when it is expected to receive additional attention.

The examination of Alaska's adoption statutes, prompted by the study of these bills, revealed that while present law clearly seals adoption records and prohibits the release of original birth certificates, the Bureau of Vital Records, within the Alaska Department of Health and Social Services, had promulgated regulations for itself which permitted release of original birth certificates. When this discrepancy came to light, legislative committees became extremely concerned about a governmental unit's authority to enable itself to act counter to the statutes.

As a result of this statute versus regulation, issue, debate on the bills expanded from consideration of whether or not to provide mechanisms for adult adoptees to learn their origins, and whether this provi-

sion was a valid function of government, to how to amend the law in order to control development of regulations which contradicted it. Concerns were also raised about state liability as the result of violation of privacy laws.

As of this writing (July 1981) the present version of the CSSB 399 does not contain a requirement that the State of Alaska establish an intermediary system whereby biological parents could be located and their consent obtained (or refused) for the release of the original birth certificate. Prohibition on the release of identifying information is maintained and the court is reaffirmed as the only avenue of gaining access.

CSSB 399 if passed, would, however, require certain non-identifying information and an affidavit permitting or denying access to the birth certificate to be attached to the certificate at the time of adoption. The non-identifying information would be available to the adult adoptee on request as would the certificate if the biological parent has consented.

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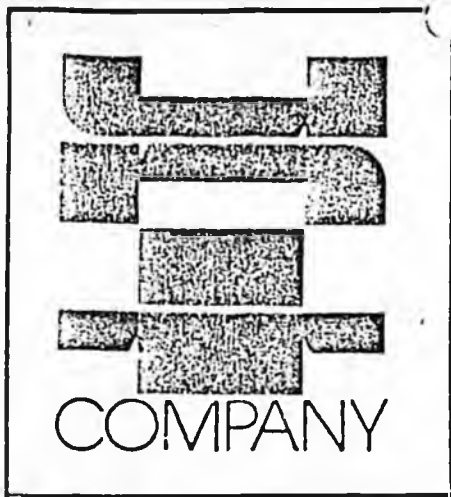
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Conclusion

The fundamental issues of the adoptee's "right to know" versus the biological parents' "right to privacy" will not be resolved easily, but the debate will continue in 1982. Many believe that the creation of an adoption registry through which adult adoptees and biological parents willing to have their names released could register to locate each other may be at least part of the answer since no state intercession or mediation between the parties is required. Others contend that a mediator system is necessary in order to notify biological parents that their child wants to contact them and provide assistance to all parties.

The dilemmas in adoption will not be resolved by avoidance or by stubbornly clinging to the status quo. Only open debate and examination of the issues will further the "search" for answers. Alaska, like other states, is embarking on that journey.

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SECTIONAL ANALYSIS CSSSB 241 (JUDICIARY) AM

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 eight 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

AMENDED POSITION PAPER
CSSS SB 241 (Jud) am

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

CSSS Senate Bill 241 (Jud) 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, 1985, 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, 1985, they should not be denied access to the information which is presently on file, namely, the original birth certificate.

Even though the Bill provides a means of sending notice of the request by certified mail to the biological parents, the problem of what would happen if one parent agreed to disclosure and the other did not is not addressed.

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 families. CSSS SB 241 (Jud), as written, would deny access to any identifying information, unless specific instructions are left on record by the biological parent. The national trend is moving more toward open adoption records. 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.

CSSS SB 241 (Jud) states the State registrar shall provide the adoptive parents and the adoptee who is age 18 years or older, certain non-identifying information, to wit: age of biological parent, nationality, ethnic background, race, health history, education, physical appearance, talents, existence of other children, religion and type of termination of parental rights. The Division of Family and Youth Services supports the collection of such information because it believes that such facts are necessary for an adopted person to have, as they are responsive to the human need to know "who I am".

AMENDED POSITION PAPER

CSSS SB 241 (Jud) am
PAGE 2

When the Division of Family and Youth Services is the agency involved in a placement, most of this information is collected, if available. All closed adoption files of the Division are on microfilm and total about 5,500.

CSSS SB 241 (Jud) makes it incumbent on the Commissioner of the Department of Health and Social Services to obtain this information on all other adoption placements, which include those made by private agencies and independent adoptions. The majority of the adoptions in Alaska are by private agencies or are independent. In 1983 the Division handled only one-sixth (1/6) of the total. In past years it was only one-ninth (1/9) of the total.

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 BY: *Michael L. Price, Director*
for Fred M. Lerschick, Actg.
Michael L. Price, Director
Division of Family and Youth
Services

DATE: 4-23-84

RECOMMENDED BY: *Jean P. Brooks*
Jean Brooks, State Registrar
Bureau of Vital Statistics

DATE: April 23, 1984

APPROVED BY: *John D. Smith*
for Robert London Smith, Ph.D.
Commissioner
Department of Health and
Social Services

DATE: 5/1/84

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSSS SB 241 (Jud)
Title: Relating to Adoptions

Sponsor: Kerttula
Requestor: Kerttula
Date of Request: _____

FISCAL DETAIL

Agency Affected: Dept. of Health & Social Services
Program Category Affected: Social and Economic Assistance for the General Population
BRU, Program or Subprogram(s) Affected: Social Services BRU: Direct Service Delivery
Component: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		50.4	52.9			
200 TRAVEL		5.0	5.3			
300 CONTRACTUAL		15.0	15.8			
400 SUPPLIES		.8	.9			
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		71.2	74.9			
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		71.2	74.9			
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY		2.0	2.0			

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Michael L. Price, Director Phone: 465-3170
Division: Family & Youth Services Date: _____

Approved by Commissioner: Jon W. King Date: 5/1/84
Agency: Department of Health & Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Assumptions

The Division of Family and Youth Services is assuming that the research work will take only two years with one Social Worker III and a half-time Clerk Typist II. This Division is involved in only about one-sixth of the adoptions in this State. The Social Worker III will need to travel to research the remaining five-sixths of the adoption records throughout the State. Travel, Contractual Services and Commodities are estimates. An inflation factor of 5% is used for the succeeding year.

Program Summary

Positions: There will be two positions necessary to do the research work, one full-time Social Worker III and a part-time Clerk Typist II.

Other Expenditures:

Travel will be necessary for the Social Worker III to research the adoption files in each district court.

Contractual services will be necessary to cover the costs of duplication and lease of equipment.

Commodities will be necessary for clerical/office supplies.

Funding: The funding will be from general funds.

Computations

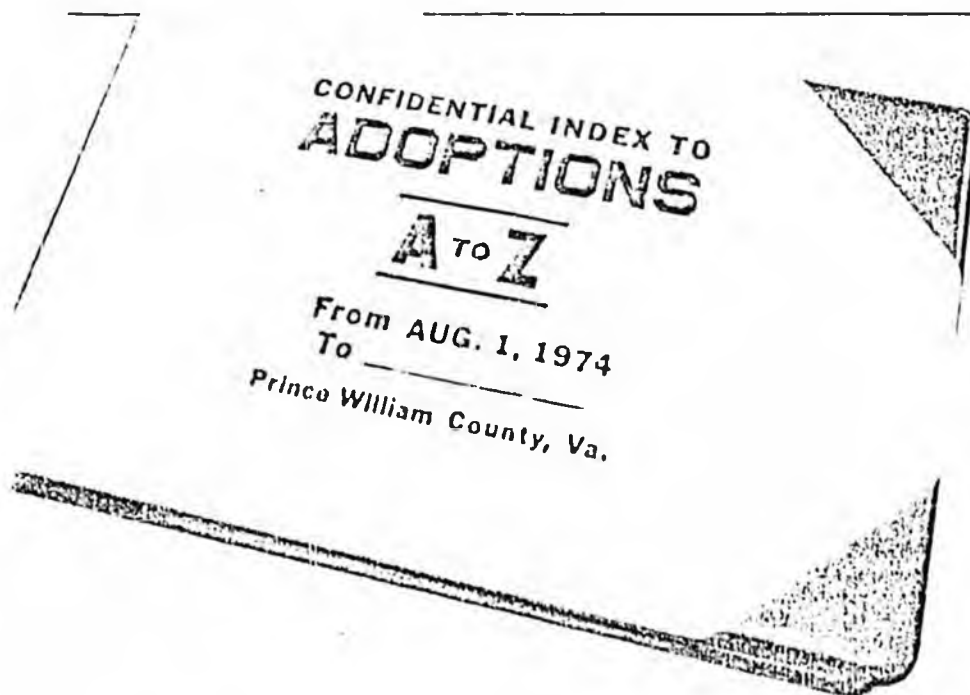
Travel is computed at an average trip cost of \$840 for six trips.

Contractual services is computed at \$7,000 for equipment rental, \$3,000 for telephone and postage, \$4,000 for printing and copying charges and \$1,000 for miscellaneous expenses.

Commodities is computed at \$400 per position.

Discrimination Against the Adoptees

BY IOANNE W. SMALL



Only adoptees are denied their genealogy by law. Likewise, only adopted citizens are issued a birth certificate that represents a legalized fraud.

Joanne W. Small, M.S.W., is a founder of Adoptees in Search (P.O. Box 41016, Bethesda, Maryland 20814), an organization that supports the opening of adoption records to adult adoptees. She is an adoptee and has been successful in finding her birth family.

©1979 3616 79/3703 0038501 00
— 1979 American Public Welfare Association

[T]here are certain rights which belong to a man independent of his position in a civil society. Since society does not bestow these rights, it cannot justifiably take them away . . . such rights are inalienable.

—Edward H. Madden, "Civil Disobedience"

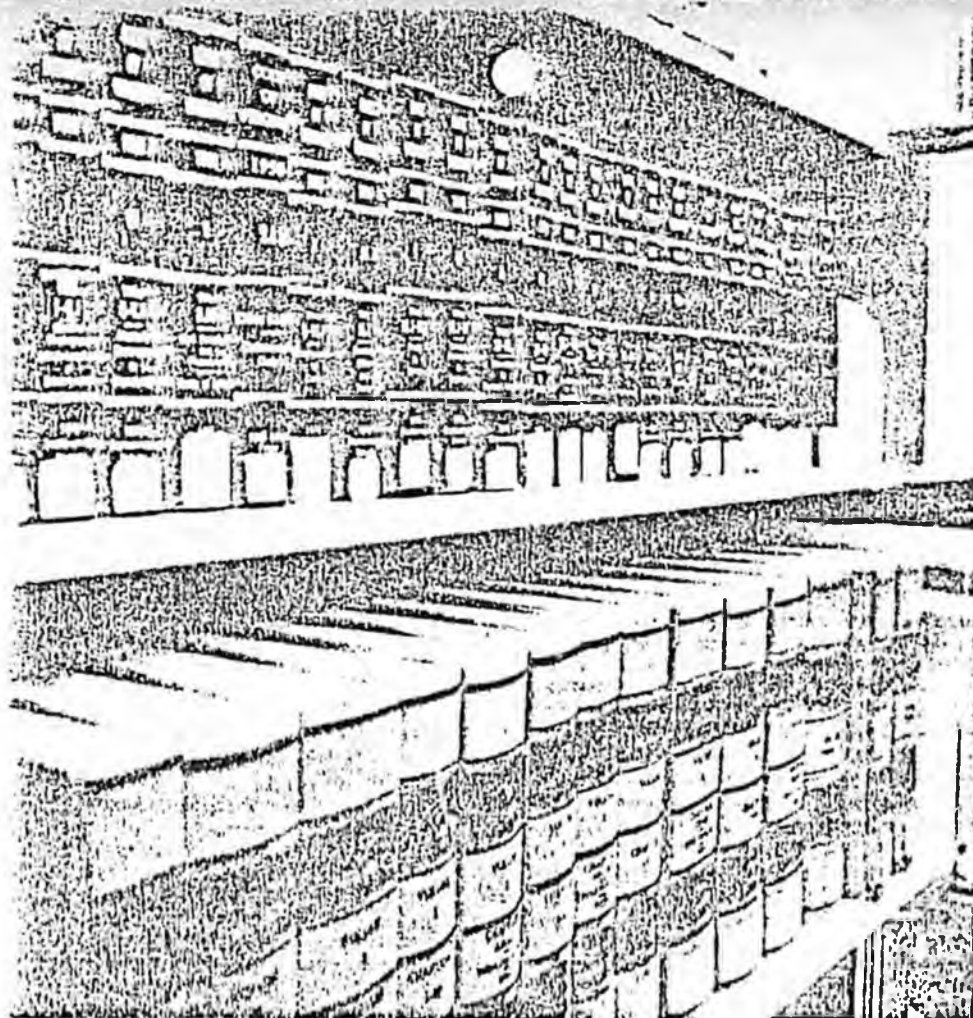
Within the next five years an estimated one half million adopted children in the United States will attain majority.¹ They will have achieved the right to vote, to marry without parental consent, and to enter into contracts. They will have attained full adult status in every respect except one. These same adult citizens will be deprived of the right to direct access to information concerning their genetic heritage, their ethnic background, their biological parentage, and their name—all in accordance with American adoption

policy which is sanctioned by law and instituted to protect them as children. The scope for this policy extends to almost every adopted person—child or adult—whether they are adopted by relative or nonrelatives, and whether they are adopted as children or as adults.

In the 1940s states began to enact legislation designed to keep an adoptee's biological origins confidential by sealing their birth and adoption records and issuing new birth certificates on which the names of the adoptive parents were substituted for the names of the biological parents. The amended certificate became the only proof of birth available for public inspection. Access to the original birth certificate could be gained only by court order and for "good cause." But such court orders are rarely granted: courts are reluctant not to follow legislatively established mandates.²

One purpose of the sealed records laws, which were made to apply retroactively, was to remove the stigma of illegitimacy from the public record.

Adult adoptees are the victims of discrimination. In all but seven states adult adopted citizens are currently denied access to their original birth record when all other citizens have that right.



A 1977 study indicates that the sealed records laws have been successful. Of those adult adoptees surveyed, a sample possessed virtually no information concerning their genetic origins.

Yet, prior to the 1940s there was no sealed records policy. Undoubtedly, most children adopted before World War II were born out of wedlock. The fact that sealed records are a relatively recent phenomenon is confirmed by the fact that adopted persons who are now in their thirties represent the first generation to have had their birth records sealed at adoption.

A 1977 study indicates that the

sealed records laws have been successful. Of those adult adoptees surveyed, a sample possessed virtually no information concerning their genetic origins. Adult adoptees reported that they knew an average of three out of twenty-two items of information concerning their national, ethnic, and religious backgrounds as well as the physical, occupational, health, educational, or personality characteristics of their genetic forebears. It was clear that the question, "Who am I?" could not be answered by adoptees in terms of their genetic identity.¹

The rationales underlying the enactment of the original sealed records legislation are increasingly being called into question. Yet, many state legislatures are refusing to pass proposed legislation that would allow adult adopted citizens direct access to their original birth records at the age of majority. When open records legislation was enacted in Minnesota in 1978, the principle of granting adult adopted citizens the right to direct ac-

cess to their original birth records at majority was compromised: the adult adoptee's biological parents were granted an ascendant right to a veto. Such a restriction is analogous to compromising a citizen's right to vote by requiring payment of a poll tax or passing a literacy test.

Discrimination is defined as making a distinction "... in favor of or against a person or thing on the basis of the group, class, or category to which the person or thing belongs, rather than according to actual merit."² Adult adoptees are the victims of such discrimination. In all but seven states adult adopted citizens are currently denied access to their original birth record, and, consequently, to knowledge of their genetic origins when all other citizens have that right. That is discrimination.

The estimated five million adoptees in the United States comprise a minority, a "social group in some way distinct from the dominant, more influential group in the society."³ It is the fact of having been adopted, or having become members of a family through a legal rather than a biological process, that distinguishes adoptees from the dominant, non-adopted population. A person does not generally choose to become a member of the adoptee minority; membership is usually attained by means of a legal process in which the person involved has had no voice.

Why Most Adoptees Choose to Remain Closeted

Adoptees are not highly visible, as are members of some minorities, e.g., blacks, Indians, hispanics. It is their status, not their color or ethnicity, that sets them apart. They are stigmatized by negative attitudes toward illegitimacy whether they were born "illegitimate" or not. The media have contributed substantially to raising public consciousness concerning matters of adoption within the last couple of years. There have been reports of court cases, legislative activities, adoptee activist groups, stories of searches for genetic roots, and dramatizations portraying the

personal concerns for identity as in *Roots* and *Superman*. The vast majority of adoptees, however, chooses to remain closeted. The following examples tell why.

A happily married father of four and editor of a national magazine had just discovered, at the age of forty-five, that he had been adopted in infancy. He reacted with feelings of shock, anger, disbelief, and disconnectedness. The news created for him an identity crisis of major proportion. Fortunately, he had read about Adoptees in Search in the *Washington Post* only a month before his discovery. Such a group that might be able to help him unravel the mystery of his origins appeared to him as nothing less than a lifesaver.

This man chose to tell only a few of his closest and dearest friends of his unhappy discovery, or, to put it another way, of his newfound status, for he had become, through a momentary slip of his elderly aunt's tongue, an adoptee. And what was the reaction of these few, longtime friends? It went something like this: "Oh, gee, John. What a surprise. Well, look, it's really ok. . . . That is . . . we mean . . . we still like you."

During an interview for a program on adoption, a Silver Spring, Maryland radio announcer confessed that when he was a child, the cruelest, the most devastating, the worst possible thing that he could think to do to get even with his sister was to tell her that she had been adopted. As a matter of fact, she was not adopted.

Standing before the Maryland legislature a year ago, an impassioned state senator, motioning toward a group of adopted adult citizens who had come to testify as proponents of open records legislation, vehemently declared that adoptees had sordid origins; that a number of these "kids" were "born as a result of incest, murder, rape, and robbery"; that the damage done by opening records could be "astronomical." In apparent agreement with his viewpoint, another senator stated that there could be no question that where babies were given up for adoption, some of the facts are very grim, that there can be no excuse for disrupting a family

Adoptees are stigmatized by negative attitudes toward illegitimacy whether they were born "illegitimate" or not.

years later by resurrecting the grim facts.

Last fall, a major District of Columbia newspaper editorialized that placing a child for adoption seldom, if ever, is a matter that does not involve grievous personal burdens, guilts, and apprehensions, and that birth mothers who have made so painful a decision ought not to have to confront this "terrible circumstance" in the future.

Even some adoptive parents seem to demean their adopted children. The president of a local private adoption foundation, an adoptive parent, said, "I am opposed to efforts . . . to open adoption records . . . without minimal safeguards, such as screening the motives of the adoptees. . . . Giving a hunting license usually portends ill for the quarry."

A few years ago, a national magazine carried an article by a child psychologist, an adoptive parent, who had written a number of United States government pamphlets advising adoptive parents on a variety of adoption subjects. She declared that adult adoptees who search appear to lack impulse control, not unlike thieves. In the same vein, a young lawyer testified that records ought not to be opened to adult adoptees: there might be an adoptee who would use that information to find and murder his biological parent.

A District of Columbia City Council member and a Maryland state senator, both adoptive parents, are credited with leading the opposition that killed open records legislation in these jurisdictions. Legislators report also that some adoptive parents have

registered their opposition to open records legislation, frequently citing the privacy of the birth parent as their basis of concern.

A colleague and fellow adoptee recently sought nonidentifying family background information from a Catholic adoption agency. She was subjected to an hour-and-a-half interview. Sensitive as to the nature of the worker's questions, she finally asked the worker, "Are you giving me a mental status exam?" "I would if I could," answered the worker.

The District of Columbia City Council has even considered raising the age of majority of its adopted citizens from eighteen to thirty-five. It was also proposed that before adult citizens born and adopted in the District of Columbia could view their original birth certificate they would first have to obtain the permission of both adoptive parents and both birth parents regardless of their age and status. It was also suggested that adult adopted citizens seeking birth records and information in the District of Columbia must be in need of psychological counseling. The messages communicated were blatantly discriminatory. One can only wonder whether society really is safe with adoptees on the loose.

The Roots of Attitudes Toward Adopted Persons

The above examples reflect the views of legislators, lawyers, mental health professionals, adoption social workers, media personnel, and the man on the street. They represent extremely negative, hostile, and punitive attitudes toward adopted people. They seem to spring from deeply held religious, sexual, economic, and social values that have their roots in sixteenth century England. Pinchbeck and Hewitt describe the transition in public attitudes:

[U]ntil the sixteenth century, bastardry had not been thought of as any great shame. Men took care of their bastards, were indeed often proud of them, and in many cases brought them home to their wives or mothers to be brought up. Children born out of wedlock were thus found to be

growing up in their father's house with their half-brothers and sisters without a hint of disgrace either to themselves or to their natural parents.⁶

The Poor Law of 1576 indicates a substantial shift in attitude:

First, concerning Bastards begotten and born out of lawfull Matrimony (an Offence against Gods law and Mans Lawe) the said bastards now lette to be kepte at the chardge of the Parishe where they bee borne, to the greate Burden of the same Parishe and in defrauding of the Reliefe of the impotent and aged true Poor of the same Parishe, and to the evil Example and Encouragement of lewde Lyet. . . .⁷

The association of adoption with illegitimacy is not without substance. Illegitimate children have been, by far, the principal source of children for adoption by adults to whom they were not biologically related. In fact, the Children's Bureau of the U.S. Department of Health, Education, and Welfare estimates that in the early 1970s illegitimate children accounted for 87 percent of all nonrelative adoptions. The circumstances of the child's origins and relinquishment, it seems, are seen as so undesirable that the information must be locked away—and for all time. The societally sanctioned sealing of birth and adoption records perpetuates discrimination against a minority. The very fact of sealing records reinforces the enduring and widespread public notions about adoptees. The prejudice and stereotypes generated and sustained by those attitudes are extremely resistant to modification or eradication.

A syndicated columnist recently wrote, "The image of the unwed father was always a seedy one. He was a man who skipped town one step ahead of the shotgun. He left behind a woman 'in trouble,' and a child who grew up a swearword."⁸ Another author wrote, "Many of the children given up for adoption are illegitimate, and many more are born to teenage mothers ill-equipped to care for them." These mothers "should have a chance to build a new life without remaining vulnerable to possible embarrassment and recrim-

In most states adults adopted as children remain forever children in terms of adoption law and practice.

ination," and "may not care to be confronted with [their] shame decades later."⁹ Continuing public association of adoption with swear-words and shame can only reinforce existing prejudice.

A major problem for adopted persons is that legislation and practice have failed to take account of the fact that children grow up. In most states adults adopted as children remain forever children in terms of adoption law and practice. As adults, adoptees ought not to be subjected to legislation enacted to protect them as children. Nor should these adopted adults continue to be referred to by the media as "adopted children."

Adoptees Are Stigmatized As Being Different, Interior

Arguments that deny an adult adopted citizen direct access to his or her original birth record—arguments attesting to need for confidentiality, protection, freedom from shame of illegitimacy and questionable origins, etc.—become rationalizations in defense of discrimination. The adoptee becomes identified with a group that is stigmatized not only as different, but interior. Paradoxically, the primary recipient of adoption services, the individual whom the adoption establishment exists to serve, finds himself or herself in an adversary role when asking for that which is granted to all nonadopted persons.

It is important to understand that the state, in accordance with the principle of *parens patriae*, is parent to all children and is obligated to protect its children through the exercise of legislative and regulatory powers em-

bodied in adoption statutes and regulations.¹⁰ Statutes providing for the issuance of new birth certificates and the sealing of the original records were based on recommendations of adoption workers. These recommendations provided the basis for the standards set by the Child Welfare League of America in 1935.¹¹ The social agencies and the courts represent the state in carrying out their protective roles through child welfare services and functions. Thus the state has founded and maintains an adoption "establishment." Social agencies, courts, and special interest subgroups represent the establishment—the "in group."

Many who make their living off the adoption industry seem to be threatened by suggestions, criticisms, and demands of those who must live within the adoption system. A number of adoption agency representatives and special interest subgroups (professionals rendering adoption-related services) argue that release of birth records to adult adoptees would increase abortions and decrease adoptions. Such arguments, unsubstantiated in open records states, appear to be directed toward maintenance of personal and/or institutional livelihood.

Arguments that deny an adult adopted citizen direct access to his or her original birth records, i.e., protection of birth and adoptive parents and confidentiality, actually seek to protect the perceived interests of the establishment at the expense of the adoptee—the primary client of adoption services. These arguments enable

Arguments that deny an adult adopted citizen direct access to his or her original birth record become rationalizations in defense of discrimination.

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The societally sanctioned sealing of birth and adoption records perpetuates discrimination against a minority.

the "in group" to maintain control over the adoptee minority; to keep them "in their place," retained in a secondary position, dependent on and subject to agency authority. Yinger says that "critical to the whole idea of social discrimination is the fact that it is embedded in social structures and sustained by group practices."¹²

The adoptive status carries with it social disgrace, disapproval, and legally sanctioned discrimination that, in effect, deny first-class citizenship to adopted persons. Only adoptees are denied their genealogy by law. Likewise, only adopted citizens are issued a birth certificate that represents a legalized fraud.

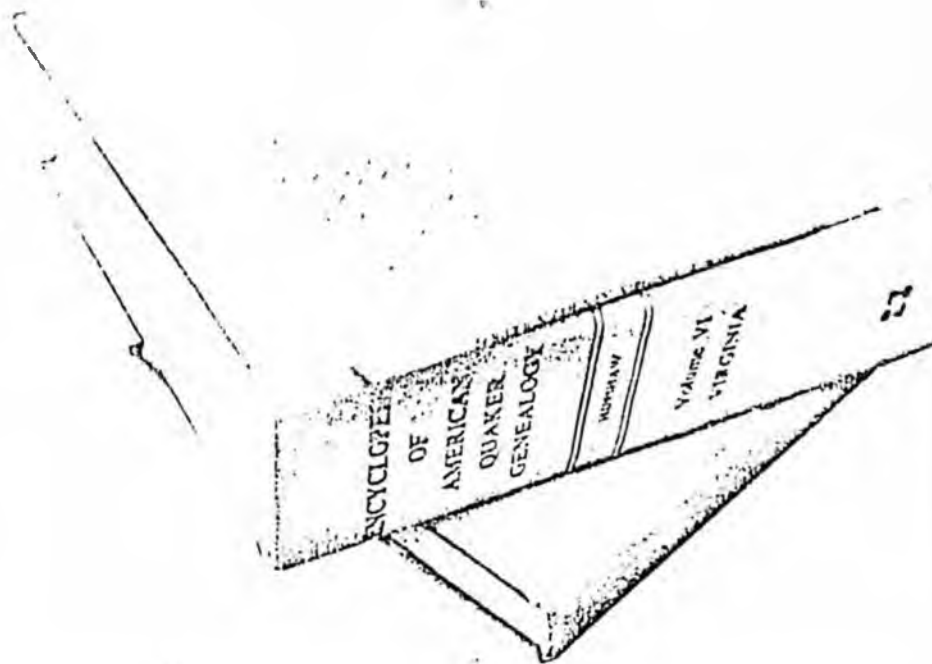
An adoptee is the product of the adoption industry which bestows special rights on adoptive and birth parents. In becoming a product, certain rights are abrogated for the adoptee: the right to one's birth name and the record of one's birth.

The denial of this basic right is not appreciated by such as the District of Columbia council member who said of open records legislation:

[It] is lopsided to the pinnacle of selfishness. The stated primary aim of the bill is to afford adult adoptees the opportunity "to determine their self-identity for purposes of self-fulfillment. . . ."

The selfishness of this is blatantly horrible. The members of the council should recognize this bill for what it is: legislation to give a small group of people with selfish interests what they want—whatever that is.¹³

These kinds of remarks illustrate the reactions elicited when adult adoptees seek to obtain what all others already possess.



At one time few people identified differential treatment of blacks as discrimination. If we were to delete the word "adoptee" from proposed open records legislation—especially where it includes provisions for veto by biological and/or adoptive parents, for psychological counseling, for waiting periods, for advanced age of majority, etc.—and insert the word "Jew," "black," "Indian," "Catholic," or "woman" in its place, more people might understand why many adult adopted citizens object so strongly to such proposals.

Arguments put forward to deny adult adopted citizens that which all other citizens have—direct access to their original birth records and the right to know their origins—are rationalizations in defense of discrimination.

PW

Notes and References

1. Ursula Gallagher and Adelle Rasock, private interview with author held at U.S. Department of Health, Education, and Welfare, Children's Bureau, Washington, D.C., March, 1975.
2. Maryland, Senate, Judicial Proceedings Committee, Hearing on Senate Bill No. 837,

position paper "Adult Adoptees Sealed Birth Records" by Joseph Harrington, Joseph Saba, and Judith Folkenberg presented by Adoptees in Search, Inc., at Annapolis, Maryland, March 6, 1970.

3. Joanne W. Small, "A Comparison of Genetic Identity Indicators Between Adopted and Non-Adopted Adults" (Masters thesis, The Catholic University of America, 1977), p. 54.

4. *Random House Dictionary of the English Language*, unabridged ed., s.v. "discrimination."

5. David Dressler, *Sociology: The Study of Human Interaction* (New York: Alfred A. Knopf, 1969), p. 516.

6. Ivey Pirchbeck and Margaret Hewitt, *Children in English Society* (London: Kegan Paul, Trench, Trubner & Co., 1969), p. 301.

7. *Ibid.*, pp. 206-220.

8. Ellen Goodman, "A New Look at Adoption," *Washington Post*, 20 February 1979, p. A15.

9. Marianne Means, *Keep Records Closed on Child Adoption*, New York, King Features Syndicate, 1978.

10. Alfred Kadushin, *Child Welfare Services* (New York: Macmillan, 1974), pp. 11-12.

11. Harrington, Saba, and Folkenberg, "Adult Adoptees Sealed Birth Records."

12. I. Milton Yinger, "Prejudice: Social Discrimination," in *International Encyclopedia of Social Sciences*, vol. 12, ed. by David E. Gill's (New York: Macmillan, 1968), p. 449.

13. Willie J. Hardy, "Pinnacle of Selfishness," *Washington Post*, 24 April 1979, p. A19.

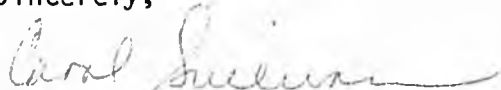
March 2, 1984

Mae Tisher
Pouch V
Juneau, Alaska 99811

Dear Ms. Tisher:

As a constituent in your district, I am hoping you will support and move CSSB 241. I feel adult adoptees deserve to have rights to their records and this bill will help balance out other legislation regarding adoptees. Please move this bill which will resolve the dilemma of adoption records once and for all. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Carol Sullivan".

Carol Sullivan
3332 Iliamna Ave.
99503

February 24, 1984

Representative Mae Tischer

Pouch V

Juneau, Alaska 99811



Dear Representative Tischer,

CSSB 241 which is now before the House Health, Education and Social Services Committee addresses a crucial need on the part of adult adoptees for information about themselves. Further it provides realistic balances between the rights of adoptees and the rights of biological parents. Section 7 also corrects the problem adult adoptees find themselves in presently by establishing mechanisms for maintenance of information for adoptions which take place in the future.

CSSB 241 deserves your support. I urge you to hear the Bill as soon as possible and to move it on to the House Judiciary Committee in the very near future.

Thank you for your attention to this important legislation.

Sincerely,

Cecilia Kleinkauf
Cecilia Kleinkauf, MSW, ACSW

Associate Professor of Social Work

University of Alaska, Anchorage

3221 PROVIDENCE DR.

ANCHORAGE, ALASKA 99502

786-1725 or 786-1714

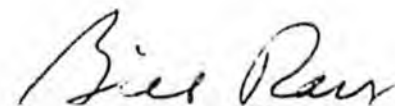
cc. Representatives Uehling, Pestinger

Martin

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 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.



Senator Bill Ray, Chairman
Senate Judiciary Committee

Adopted 1/25/84

603 West 12th
Juneau, Alaska 99801

May 3, 1983

Senator Bill Ray, Chairman
Members, Senate Judiciary Committee
Pouch V
Juneau, Alaska 99801

Dear Mr. Chairman and Members of the Committee:

Because I may be unable to attend the meeting tomorrow, I have requested Jan Ivey to deliver this letter concerning SSSB 241 and I would appreciate having it read into the record.

It is obvious that much careful thinking and craftsmanship have gone into the development of this legislation. As an adoptive parent, I particularly appreciate the care that has gone into the development of Sec. 18.50.500 (c), providing for a substantial amount of information to be made available to adoptive parents and adoptees. However, I am very concerned about the provisions of Sec. 18.50.500 (a), which provide for the sealing of adoption records.

I can well understand the distress and concern on the part of biological parents which must have led to the inclusion of this section in the legislation. People who have made the very painful decision to part with a child have often done so in part because of the fear of society's rejection of them for an "error" in either morals, judgment, or caution. The fear of having this painful episode in their pasts "catch up" to them is real and is understandable. Nonetheless, they are parents; having relinquished a child does not wipe out the reality that they have borne or fathered a child. And that fact sets a chain of events in motion which may include a communication from or meeting with that child 18 years down the line. Those of us who are parents of adoptees have an absolute responsibility to teach our children the importance of respecting the rights, feelings, and confidentiality of our children's bio-parents. We owe these first parents that and must make every attempt to pass that caring on to our children. But our children have a right, if it is important to them in adulthood (and it is neither a sign of failure nor of success of the adoption if they decide to seek their bio-parents) to have access to that very significant information about their own lives. It's wonderful to provide adoptees with information about their bio-parents appearance, heritage, hobbies, etcetera. But knowing that your bio-father played the guitar or your mother was a basketball captain does not answer the question "who was he? who was she?"

I am particularly concerned about the fact that this legislation is written so that action is required on the part of bio-parents in order to allow access to information so that in fact it will take an active step by bio-parents to allow their children to have access to this information. This further weights things against the adopted child who reaches the age of majority and desires the information. If his or her bio-parents never heard of this legislation or never got around to filing a certificate, the case is closed.

I just read this bill today, so I have not had time to carefully research or document my thinking about the rights of adoptees. I believe there is a whole body of research and study on this very controversial subject, and my recollection is that most states are moving toward more openness rather than closure of records. I believe that England has for ten years or more had a procedure which allows adoptees access to their adoption records when they have reached the age of majority. I want our Alaskan adoptees to have the same right.

I will close by explaining that I am an adoptive mother. My daughter will have access to the information on her biological parents regardless of the action taken on this bill, because we have the information for her already and will provide it to her when she is older. My husband and I plan to adopt again, however, and have many friends who have adopted children or are adoptees, and for all of those people we believe it is important that there be access to original adoption records. I have also discussed this with friends who have relinquished children, and although reactions are mixed (fear, excitement, curiosity, desire to "just forget", worry about adoptee's reaction), the three people I talked with acknowledged the right of their children to this information. I hope that the members of this committee will also acknowledge that right and amend SSSB 241 accordingly.

Sincerely,


Susi L. Gregg-Fowler

Application to State Organization Act of 1959, conferred by ch 64 SLA 1959 is subject to this ch 1) ch 143 SLA 1959)

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part. — For original bill, 394-397.

the Alaska Alaska State Op. No. 793 (1972).

he adhered exclusion of ty from the ASHA is

bound to adhere to the provisions of this chapter. ASHA's separate corporate nature does not detract from this conclusion. The legislature may have had a special reason for choosing the corporate vehicle; e.g., to insulate the state from potential liabilities. Alaska State Housing Auth. v. Dixon, Sup. Ct. Op. No. 793 (File No. 1529), 496 P.2d 649 (1972).

Cited in Pan American Petroleum Corp. v. Shell Oil Co., Sup. Ct. Op. No. 553 (File No. 918), 455 P.2d 12 (1969); Coghill v. Boucher, Sup. Ct. Op. No. 900 (File No. 1798), 511 P.2d 1297 (1973); In re Application of Sullivan, Sup. Ct. Op. No. 1274 (File No. 2783), 551 P.2d 531 (1976).

Am. Jur. 2d reference. — 1 and 2 Am Jur. 2d, Administrative Law, § 1 et seq

authority to adopt, administer, or enforce the authority conferred upon the lieutenant — 44.62.170, AS 44.62.010 — 44.62.320 do or augment the authority of a state agency enforce a regulation. To be effective, each e within the scope of authority conferred and ards prescribed by other provisions of law. LA 1959)

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Attorney general could not save provisions of former AS 30.25 from unconstitutionality under Alas. Const., art. IX, § 7, by directing promulgation of regulations inconsistent with statute. — See Chevron U.S.A., Inc. v. Hammond (A77-195 Civil), F. Supp. (D. Alas. 1978).

Judicial review of administrative regulation. — Where an administrative regulation has been adopted in accordance with the procedures set forth in the Administrative Procedure Act, and it appears that the legislature has intended to commit to the agency discretion as to the particular matter that forms the subject of the regulation, the supreme court will review the regulation in the following manner. First, it will ascertain whether the regulation is consistent with and reasonably necessary to carry out the purposes of the statutory provisions conferring rule-making authority on the agency. This aspect of review insures that the agency has not exceeded the power

delegated by the legislature. Second, the supreme court will determine whether the regulation is reasonable and not arbitrary. This latter inquiry is proper in the review of any legislative enactment. Kelly v. Zamarello, Sup. Ct. Op. No. 705 (File Nos. 1255, 1256), 486 P.2d 906 (1971).

Standard of review. — This section

and AS 44.62.030 provide guidance as to the standard of review for regulations adopted pursuant to an administrative agency's quasi-legislative rule-making function. Kelly v. Zamarello, Sup. Ct. Op. No. 705 (File Nos. 1255, 1256), 486 P.2d 906 (1971)

Sec. 44.62.030. Consistency between regulation and statute. If, by express or implied terms of a statute, a state agency has authority to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of the statute, no regulation adopted is valid or effective unless consistent with the statute and reasonably necessary to carry out the purpose of the statute. (§ 5 art I (ch 1) ch 143 SLA 1959)

Statute prevails over conflicting regulation. — The statute delegating its law-making power to government agencies to make law through regulations defines the agency's authority to promulgate regulations and thus if there is a conflict between the statute and a regulation, the statute prevails. Chevron U.S.A., Inc. v. Hammond (A77-195 Civil), F. Supp. (D. Alas. 1978).

Attorney general could not save provisions of former AS 30.25 from unconstitutionality under Alas. Const., art. IX, § 7, by directing promulgation of regulations inconsistent with statute. — See Chevron U.S.A., Inc. v. Hammond (A77-195 Civil), F. Supp. (D. Alas. 1978).

Regulation accorded presumption of validity. — An administrative regulation must be accorded a presumption of validity, and the challenger of the regulation must demonstrate its invalidity. Union Oil Co. v. State, Sup. Ct. Op. No. 1563 (File No. 2650), 574 P.2d 1266 (1978).

Judicial review of administrative regulation. — Where an administrative regulation has been adopted in accordance with the procedures set forth in the

Administrative Procedure Act, and it appears that the legislature has intended to commit to the agency discretion as to the particular matter that forms the subject of the regulation, the supreme court will review the regulation in the following manner. First, it will ascertain whether the regulation is consistent with and reasonably necessary to carry out the purposes of the statutory provisions conferring rule-making authority on the agency. This aspect of review insures that the agency has not exceeded the power delegated by the legislature. Second, the court will determine whether the regulation is reasonable and not arbitrary. This latter inquiry is proper in the review of any legislative enactment. Kelly v. Zamarello, Sup. Ct. Op. No. 705 (File Nos. 1255, 1256), 486 P.2d 906 (1971).

Standard of review. — This section and AS 44.62.020 provide guidance as to the standard of review for regulations adopted pursuant to an administrative agency's quasi-legislative rule-making function. Kelly v. Zamarello, Sup. Ct. Op. No. 705 (File Nos. 1255, 1256), 486 P.2d 906 (1971)

Article 2. Submission, Filing and Publication of Regulations.

Section

- 40. Submitting regulations
- 50. Style and forms
- 60. Preparation and filing
- 70. Fees
- 80. Endorsement and file
- 90. [Repealed]

Section

- 100. Presumptions from filing
- 110. Presumptions from publication
- 120. Voluntary submitting and publication
- 125. Regulations attorney

"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:

°Page 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/Department of Health & Social Services

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: *John E. 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: *Robert L. Smith*
Robert Landon Smith, Ph.D.
Commissioner

DATE: May 6, 1983

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

II. FISCAL DETAIL
 Agency Affected: HSS
 Program Category Affected:
 BRU, Program or 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: *James E. Ledwith for Michael Paine* Phone: 465-3170
 Division: Family and Youth Services Date: 4/27/83

Approved by Commissioner: *John R. Poy* Date: 5/6/83
 Department: HSS

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

February 28, 1984

Carol Johnson, ACSW
2113 Jack Street
Fairbanks, Alaska 99701

Mae Tischer - Representative
Pouch V
Juneau, Alaska 99811

Dear Representative Tischer,

This letter is sent in support of Senate Bill 241 and House Bill 427 both of which address the issue of adoption.

Senate Bill 241 is one of the most comprehensive bills in relation to adoption which I have seen. It provides for non-identifying background information to be given to adult adoptees. All adoptees should have access to it if they wish. Bill 241 also allows for consenting adult adoptees and birth mothers to find each other by attaching their names and current addresses on the original birth certificate (in sections 18.50.500 (d) and (e)).

I am, however, confused about 18.50.500 (a) in which identifying data appears to be available to an adult adoptee "if certified mail.....is returned to the state registrar undelivered." Does this mean that if the biological parent has moved (perhaps 10 or 15 years earlier) and the registrar doesn't have the current address, that the biological parent has no choice in the matter? Or can the stipulation of the "written objection from a biological parent" be one which was written and filed with the registrar at or after the time of relinquishment? I favor granting the biological parent more latitude in filing her (or his) objection to such disclosure.

House Bill 427 provides that home studies be completed prior to the placement of a child in an adoptive home. This bill is important because of the emotional trauma which could happen to all parties if a child is placed in a home which is later found to be unsuitable, resulting in the subsequent removal of the child. The State Dept of Family & Youth Services can provide the court with a list of agencies and individuals who are well qualified to complete these studies.

Thank you for consideration of these matters.

Very Truly yours,

Carol Johnson
Carol Johnson, ACSW



4505 Dredge Lake Rd.
Juneau, Alaska 99801
April 13, 1984

The Honorable Mae Tischner
Chairwoman - House HESS
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Representative Tischner:

I am opposed to CSSSSB 241 (Jud) am, an act relating to adoption, because it will restrict my adopted son's access to his original birth certificate which names his biological parents.

I offer you solutions to this problem and the many others this bill generates. Please see the testimony which I plan to present before your committee when you hold a public hearing.

There is no great urgency to pass this bill because the present process of adult adoptee access to the original birth certificate is legal, is working well, and the law does not need changing. Non-identifying information is already being gathered by Health and Social Services.

I urge you NOT to calender this bill unless you and all members of the HESS committee have the time and interest to study all the issues carefully. It is better for all adoptees to let this bill die in your committee than to pass it out as now written.

Thanking you,

Joyce E. Lanier
586-7701 (office)
789-0515 (home)

Encl:
Testimony
letter from Jud Lanier
letter from Attorney General
applicable statutes & regulation
CSSSSB 24] (Jud) my changes marked

Testimony on CSSSSB 241 (Jud) am, an act relating to adoption
by Joyce Lanier 4505 Dredge Lake Rd., Juneau, AK 99801
12th Legislature 2nd session 1984

INTRODUCTION

I am the adoptive mother of Jonathan who is 6 years old. Because of him, I oppose this bill as well as the intent of the bill as set forth by the Senate Judiciary Committee.

I believe the most important person in the adoption triangle is the adoptee for he had no voice in the adoption process. An adoptee's right to the truth of his origins is more important than the birth parent's wish for privacy. The adoptee was severed from his birth parents through no fault of his own. Birth parents choose to relinquish the child; adoptive parents choose to adopt the child. I am not saying these were easy decisions, but our prime responsibilities are for the adoptee.

We study the past to see the future. At the present time, an adoptee age 18 or older, may study his history by obtaining unconditionally his original birth certificate which names his biological parents. Knowing the names of those parents will provide an avenue for the adoptee to seek answers to such questions as:

Who am I? Where did I come from? Who do I look like? What am I worth if I was given away?



PROBLEMS WITH CSSSSB 241 (Jud) am, an act relating to adoption
by Joyce Lanier 4505 Dredge Lake Rd. Juneau, Ak. 99801

1. It repeals the current statutes and regulation which now allow an adult adoptee unconditional access to his original birth certificate, which names his birth parents. The present process is legal and is working well.
2. It gives the birth parent all the power over the release of the original birth certificate, and thereby reverses the original intent of Alaska's sealed record laws. It contends that the birth parent's wish for privacy is more important than his/her responsibility to provide the adoptee the truth of his beginnings.
3. It allows all of us, birth parents, adoptive parents, the legislature, and the general public to shirk our responsibilities to the adoptee.
4. There are no provisions in this bill or the current statutes to allow an adult adoptee's descendants access to the adoptee's original birth certificate. Generations to come are adversely affected.
5. It discriminates against adoptees who are not 18 before the effective date of the bill and against adoptees as opposed to non-adoptees.
6. There are no provisions to allow birth parents to update background information or to change statements they may file with the Registrar.
7. Hobbies, special interests and occupations are not included in the list of non-identifying information.
8. Adoptive parents are not officially informed of the adoptee's rights to background information and the original birth certificate at age 18.
9. There are no provisions to allow birth parents to receive unidentifiable progress reports on the adoptee during childhood.

CSSSSB 241 (JUD.) am

JONATHAN
10.3.71

JONATHAN'S
CHILDREN

JONATHAN'S
GRAND
CHILDREN

EXPLANATION OF MAJOR PROBLEMS

PRESENT PROCESS IS WORKING WELL

Adoptees in Alaska have always had access to their original birth certificates.

The statutes (21-3-20) of 1947 which sealed original birth certificates and issued substitute birth certificates stipulated that the registrar shall open the birth certificate to the adoptee of legal age. The intent of the act was to protect the name and status of the CHILD. Nothing was said about protecting the name and status of the ADULT, whether it be the adopted person in adulthood or the birth parent. Such protection is a burden for the adult adoptee and I suspect the lawmakers of 1947 maintained access to the original birth certificate for adoptees for that reason.

In a 1951 amendment describing the substitute birth certificate the statute stated, "The intent of this section is to enable the preparation of a birth certificate for the adopted CHILD as nearly as possible like that of other CHILDREN." The adult adoptee was treated like an adult. He could still obtain a birth certificate like that of other adults - that is, one that named the biological parents.

Over the years the statutes have been amended but always the ADULT adoptee has retained the right to the original birth certificate. The present process is working well. It has withstood a test of 37 years. There have been no complaints to the State Registrar. No birth parents have testified at any of the three hearings I have attended on this legislation. I have also listened to tapes of hearings on SB 399, a similar bill in the last legislature. No birth parent or birth parent group testified in favor of restricted access to the original birth certificate.

PRESENT PROCESS IS LEGAL

Today AS 18.50.220 New Certificate of Birth, and 7 AAC 05.730 Filing of Certificate govern. The birth certificate is treated separately in the statutes, apart from adoption proceedings and court hearings. In fact, a new certificate of birth is an option of the adoptive parents and is not part of adoption proceedings; it is not issued until after the adoption becomes final.

The statutes and regulations do not conflict. To confirm that legality, I quote from an Attorney General's opinion of March 1, 1979, to the State Registrar of Vital Statistics:

"This will confirm our oral advice to you that the Bureau of Vital Statistics must provide a copy of his original birth

certificate to an adopted child who has attained the age of 18 years and requested it, if the copying cost is paid....."

"....AS 18.50.220 (b) (1) apparently sets up a separate procedure for the certificate after the adoption."

PRIVACY NOT PROMISED IN STATUTES OR REGULATIONS

The state is NOT subject to any liability in releasing original birth certificates to adoptees because privacy has not been promised in the statutes or regulation. To further support that contention, please consider this from the draft version of the Model Adoption Act:

Privacy is not promised in states that allow records to be opened by court order for good cause. Therefore, there could be no enforceable contract of secrecy between birth parents and the state. (Alaska is one of these states.)

Biological parent and child are considered co-owners of birth information, and thus, there can be no legally protected interest in keeping one's identity secret from the adoptee.

Adoption was created for the benefit of the adoptee and the states cannot sanction an agreement - namely sealed record laws which have proven NOT to be in the adoptee's best interests.

A birth parent's interest in reputation is not alone deserving of constitutional protection. Cf. Paul v. Davis 424 U.S. 693 (1976)

An adoptee's right to information regarding his origins must prevail over the birth parent's presumed interest in anonymity.

in re Adoption of Female Infant 107 Wash. L. Rep 337 (D.C. Super Ct. Jan 31, 1979) 5 Family Law Rep. 2311 BNA (Feb. 20, 1979)

The interests of adoptive & birth parents and the state in keeping records sealed are of less importance than the adoptee's interest in personal growth and identity which can result from his meeting a birth parent - a reunion made easier by the adoptee's access to the original birth certificate.

BILL GIVES BIRTH PARENTS CONTROL OVER THE ORIGINAL BIRTH CERTIFICATE

Even though over 90% of birth parents will probably give permission to release the original birth certificate to the adoptee, the fact that their consent is required is degrading to the adoptee.

I grew up in the South when Black people had to sit at the back

of the bus. They weren't allowed to sit at the front. Times have changed. Today Blacks are allowed to sit at the front of the bus. But, what if they were required today to ask permission from the driver to sit at the front? Even though 95% of the drivers would say "yes" wouldn't it be humiliating to the Black person to have to ask? Wouldn't that place all the power in the hands of the bus drivers?

Now would this legislature ever dream of passing a law requiring any minority or class of citizens to ask permission to sit in the front of the bus? No, this legislature would not. But essentially that is what this bill would be doing to adoptees- allowing them in the front of the bus only with permission, allowing them access to information about themselves only with permission,

forcing some of them to the back where they're unable to see where they're going, denying some of them information and therefore, stifling them.

OUR RESPONSIBILITIES

As mentioned previously, adoption was instituted for the benefit of the adoptee - A child who had no voice in the process. In any discussion of the balancing of rights we must remember that our responsibilities to the adoptee are more important than any one parent's rights, whether they be birth parents or adoptive parents.

All of us involved in the adoption process have a responsibility to provide the adoptee with an avenue to seek his true personal identity:

BIRTH PARENTS RESPONSIBILITIES

To provide for the CHILD - background information such as biographical sketches, physical descriptions, sibling existence, medical history - and to update them regularly.

(Health & Social Services in recent years has been collecting background information for the adoptive parents, but this was probably not done in the late 60's and early 70's. My attorney gave us information on our son's birthmother. Birth parents who don't want to be contacted should realize that the more background information they give, the less likely the adoptee may want to contact them.)

To provide for the ADULT adoptee- communication with the adoptee if he/she requests so that the adoptee may complete his picture of himself.

THE LEGISLATURE'S RESPONSIBILITIES

To maintain the laws and regulations that allow adult adoptees to learn the names of the biological parents through access to the original birth certificate.

ADOPTIVE PARENTS' RESPONSIBILITIES

To recognize the importance to the adoptee of his true heritage and to provide the background information to the child when they judge he/she is ready for it.

To provide support to the adult adoptee in his search for the biological parents.

To lobby for adoption laws that are in the adoptees best interests.

Our meeting our responsibilities will serve notice to the public that it is indeed the adoptee's RIGHT TO KNOW which takes precedence in all cases, so that the public will have empathy with the adoptee's problems, will understand the adoptee's need to search for his birth parents, will be more helpful to him in that search, and will support open adoption record laws. And so that someday there will be no controversy.

The consequences of our NOT meeting these responsibilities may indeed be grave. Studies show adolescent adoptees have more trouble in life, that they face more obstacles than normally experienced. Without a background on which to build an ego they are more apt to be dependent, fearful, slow learners, under achievers, run aways and vandals. Adoptees comprise about 13% to 16% of psychiatry patients but only about 2% of the general population.

Many adult adoptees who don't know their past history suffer "genealogical bewilderment." They are denied the opportunity that millions of people pursue who are consumed with a passion to search the past for their ancestors. Thousands of ancestor hunters join descendant societies such as the Sons & Daughters of the American Revolution. An ancestor search begins with one's self and that is the stumbling block adoptees face. The first unknown on an adoptee's family tree is himself.

ADOPTEE'S DESCENDANTS ADVERSELY AFFECTED

The descendants of the adoptee who is denied his original birth certificate will also face a stone wall in their ancestor searches. There will be no stepping stones to the past for them. So a hundred years from now the repercussions of this bill will still be felt.

DISCRIMINATION

This bill will discriminate against adoptees who are under 18 before the effective date of the bill. They cannot get a copy of their original birth certificates before the law is changed. The law at the time of their adoption did not provide a collection system for background information. Adoptees who expected to get but are denied the original birth certificate under the provisions of this bill will have nothing - no original birth

certificate and no background information.

Essentially this bill will be changing the rules in the middle of the game for them. I don't believe the members of this legislature want to do that. After all, when you raised the drinking age from 19 to 21, you inserted a clause allowing those who were already 19 to drink.

The bill also discriminates against adoptees as opposed to non-adoptees. Non-adoptees don't have to get permission from their parents to get their birth certificates.

PROPOSED AMENDMENTS

While I believe no parent has the right to deprive the adoptee to the knowledge of his true heritage and that the adoptee's need for that information takes precedence over any parent's desire for privacy, I am not completely unfeeling for those birth parents who wish to remain strangers to their off-spring. I have done a lot of research and I propose amendments which treat all sides of the adoption triangle with respect and compassion.

1. Maintain the present process of adoptee access to the original birth certificate and additionally allow an adoptee's adult descendants access. The generations to come are also adversely affected by sealed records. Strengthen the present process by writing it in the statutes.

2. Allow the biological parent to place a statement with the original birth certificate as to whether she/he would WELCOME contact with the ADULT ADOPTEE. I believe most adoptees would respect that wish. There are many adoptee groups who provide support and advice on birth parent search and contact.

(From what I read most adoptees are very discreet when they do contact a birth parent. They do not suddenly appear on the birth parent's doorstep, but most often telephone, making sure it is a good time to talk.)

(Most adoptees are not looking for a long term relationship with the birth parents. They only want their questions answered.)

I think such a system would be for the adoptee's advantage as well. They would know ahead of time just how the birth parent would feel about a reunion.

3. Allow and encourage birth parents to update background information and to change statements.

- Many inheritable problems in a birth parent's family may not occur until many years after the adoption. Newsweek magazine recently reported that there are over 3,000 genetic diseases. Adoptees who are deprived of communication with the birth family may also be deprived unnecessarily of the benefits of genetic engineering- the wave of the future in disease prevention and health care.

-Birth parents are usually very young when they relinquished the child and have not developed the interests and careers that the adoptee may be interested in knowing about. They may have other children after the adoption which would be the adoptee's siblings.

4. Insert hobbies, special interests and occupation in the list