

ALBANY COUNTY COLLEGE
7/00

3936

SHEETS

SB 187

88



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187

Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: SB 187

Sponsor: RODEY

Date referred to committee: 2/22/85

Synopsis completed:

Fiscal note:

Further referrals: JUDICIARY

CONTACTS: last yr SB 241

✓ Katie (Rodey) 3717 - will testify

will testify ✓ Pudge Kleinkauf 786-1714, 503-6073 will testify

✓ Norma Lang, HCSS 3030 - will attend

will be available for questions ✓ John Brooks, Vital Statistics 3393 - will testify

Portanda 4967 - will attend

February 25, 1986

SB 187, Relating to adoption

SENATE ACTION

HFSS COMMITTEE, ALL DO PASS, 3/22/85
JUDICIARY WAIVED
PASSED SENATE 17-1 3/26

SENATE VERSION

DEALS ONLY WITH ADOPTION REC` .

ESTABLISHES STATUTORY PROCEDURE FOR ACCESS TO ADOPTION
INFORMATION.

WOULD REQUIRE FILING "NON-IDENTIFYING", BIOLOGICAL
INFORMATION.

HOUSE VERSION

CLARIFIES SENATE PROVISIONS.

ADDS OTHER ADOPTION ISSUES.

CLARIFIES THAT INHERITENCE IS THRU THE ADOPTIVE PARENTS

CONSENT FORMS FOR ADOPTION CLARIFIED

GIVES ADOPTIVE PARENTS POWER OF ATTORNEY

CLARIFIES VISITATION RIGHTS

PUTS INDIAN CHILD WELFARE ACT PROVISIONS INTO STATE LAW

MESSAGE TO THE SENATE

HOUSE

Senator Fahrenkamp

February 21, 1986

MR. PRESIDENT:

The House has passed SB 187 (relating to adoption; effective date) with the following amendment:

HCSSB 187(2d Jud) (same title) ↙

and ~~it is transmitted~~ for consideration.

returned

Concur - ?

7

Doreen Casper

CHIEF CLERK OF THE HOUSE

Offered: 2/5/86
Referred: Finance

Original sponsors: Rodey, P.Fischer,
Stugulewski and Kerttula

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR SENATE BILL NO. 187 (2d Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. AS 13.11.045 is amended to read:

10 Sec. 13.11.045. MEANING OF "CHILD" AND RELATED TERMS. If, for
11 purposes of intestate succession, a relationship of parent and child
12 must be established to determine succession by, through, or from a
13 person,

14 (1) an adopted person is the child of an adopting parent
15 and not of the natural parents unless the decree of adoption specif-
16 ically provides for the continuation of inheritance rights [EXCEPT
17 THAT ADOPTION OF A CHILD BY THE SPOUSE OF A NATURAL PARENT HAS NO
18 EFFECT ON THE RELATIONSHIP BETWEEN THE CHILD AND EITHER NATURAL PAR-
19 ENT];

20 (2) in cases not covered by (1) of this section, a person
21 born out of wedlock is a child of the mother; that person is also a
22 child of the father, if:

23 (A) the natural parents participated in a marriage
24 ceremony before or after the birth of the child, even though the
25 attempted marriage is void; or

26 (B) the paternity is established by an adjudication
27 before the death of the father or is established thereafter by
28 clear and convincing proof, except that the paternity established
29 under this subparagraph is ineffective to qualify the father or

1 the father's kindred to inherit from or through the child unless
2 the father has openly treated the child as the father's, and has
3 not refused to support the child.

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

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

8 (1) thereafter, in the case of an adoption, the original
9 certificate and the evidence of adoption are not subject to inspection
10 except as provided in AS 18.50.500 - 18.50.510 or by order of the
11 superior court under AS 25.23.150; but the state registrar shall allow
12 inspection by an agent of the state or federal government acting in
13 the performance of the agent's official duties; in the case of a
14 legitimation, the original certificate and the evidence of [ADOPTION
15 OR] legitimation are not subject to inspection except upon order of
16 the superior court or as provided by regulation; however, the regula-
17 tion shall allow inspection by an agent of the state or federal gov-
18 ernment acting in the performance of the agent's [HIS] official
19 duties;

20 (2) upon receipt of a report that an adoption has been
21 vacated, the original certificate of birth shall be restored to its
22 place in the files and the new certificate and evidence are not sub-
23 ject to inspection except upon order of a superior court.

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

25 (14) "adoptive parent" means a person who has adopted another
26 person under AS 25.23;

27 (15) "biological parent" means a parent named on the original
28 certificate of birth of an adopted person;

29 (16) "child adoption agency" means a child adoption agency

1 licensed under AS 47.35.100;

2 (17) "commissioner" means the commissioner of health and
3 social services;

4 (18) "medical history" includes information relating to a
5 person's medical conditions and treatment, immunization records, and
6 other medical information about the person that could be important to
7 the health care of the adopted person.

8 * Sec. 4. AS 18.50 is amended by adding new sections to read:

9 ARTICLE 6. ACCESS TO ADOPTION INFORMATION.

10 Sec. 18.50.500. IDENTITY OF BIOLOGICAL PARENTS. (a) After
11 receiving a request by an adopted person 18 years of age or older for
12 the identity of a biological parent of the person, the state registrar
13 shall provide the person with an uncertified copy of the person's
14 original birth certificate, and any change in the biological parent's
15 name or address attached to the certificate, if the biological par-
16 ent's written consent to disclosure is on file with the state regis-
17 trar. The state registrar may not provide to an adopted person a copy
18 of the person's original birth certificate or disclose the name and
19 address of a biological parent without that parent's written consent,
20 except as required by the court under AS 25.23.150.

21 (b) The state registrar upon request shall provide to a bio-
22 logical parent a form containing the text of this section and AS 18.-
23 50.510 and a statement, to be signed by the biological parent, indi-
24 cating the biological parent's desires regarding the disclosure of
25 information under (a) of this section. The form must contain at least
26 the following information and appear substantially as follows:

27 INSTRUCTIONS TO STATE REGISTRAR OF VITAL STATISTICS REGARDING
28 DISCLOSURE OF INFORMATION TO AN ADOPTED CHILD

29 I. Disclosure During Biological Parent's Lifetime (Choose A, B, or C)

1 certificate of birth or my name and address, these are my in-
2 structions:

3 A. [] PROVIDE the information requested by the child and
4 INFORM the child of my death;

5 B. [] DO NOT PROVIDE the information requested by the child,
6 but INFORM the child of my death.

7 My current name and address:

8 _____
9 (Signature of biological parent) (Please print or type)

10 _____
11 (Date)

12 _____

13 (c) A biological parent may at any time obtain from, and submit
14 to, the state registrar a new instruction form described under (b) of
15 this section, or may otherwise submit written instructions regarding
16 disclosure of information under this section.

17 (d) If one biological parent consents to disclosure, but the
18 other biological parent objects, the state registrar shall remove the
19 name of the objecting parent before providing the birth certificate to
20 the adopted person under (a) of this section.

21 (e) An adopted person 18 years of age or older, or a biological
22 parent, may submit to the state registrar a notice of change of name
23 or address. The state registrar shall attach the information to the
24 original birth certificate of the adopted person.

25 (f) The state registrar shall disclose to a biological parent,
26 at that parent's request, the most current name and address of an
27 adopted child that appear in the state registrar's adoption files if
28 the child is 18 years of age or older and has requested in writing
29 that the information be disclosed if ever requested by the biological

1 parent.

2 Sec. 18.50.510. DESCRIPTIVE INFORMATION REGARDING BIOLOGICAL
3 PARENTS. (a) The state registrar shall, at the request of an adop-
4 tive parent or of an adopted person 18 years of age or older, release
5 the following information regarding a biological parent named on the
6 original birth certificate of the adopted person if available from the
7 registrar's adoption records:

8 (1) the age of the biological parent on the day the adopted
9 person was born;

10 (2) the heritage of the biological parent, to include:

11 (A) national origin;

12 (B) ethnic background; and

13 (C) tribal membership;

14 (3) the medical history of the biological parent and of
15 blood relatives of the biological parent;

16 (4) the number of years of school completed by the biologi-
17 cal parent by the day the adopted person was born;

18 (5) a physical description of the biological parent on the
19 day the adopted person was born, including height, weight, and color
20 of hair, eyes and skin;

21 (6) the existence of other children of the biological
22 parent;

23 (7) whether the biological parent was alive at the time of
24 adoption;

25 (8) the religion of the biological parent; and

26 (9) other information provided by the biological parent for
27 disclosure to the child.

28 (b) Information released under (a) of this section shall be on a
29 standard form prepared by the commissioner. The information may not

1 include the name of a biological parent or other information not
2 listed in (a) of this section.

3 * Sec. 5. AS 25.23.060(a) is amended to read:

4 (a) The required consent to adoption shall be executed at any
5 time after the birth of the child in the presence of the court or in
6 the presence of a person authorized to take acknowledgments. The
7 consent is not valid unless the consent form states that the person
8 consenting to the adoption has the right to withdraw that consent as
9 provided in AS 25.23.070(b), and unless the person consenting to the
10 adoption acknowledges receipt of a copy of the consent form. The
11 person giving consent shall state in the consent form whether the
12 child is a member of an Indian tribe or the biological child of a
13 member of an Indian tribe, so that the court may determine whether the
14 provisions of 25 U.S.C. 1901 - 1963 (Indian Child Welfare Act of 1978)
15 apply.

16 * Sec. 6. AS 25.23.060 is amended by adding a new subsection to read:

17 (c) A consent executed under this section is effective as a
18 power of attorney under AS 13.26.020. Unless the consent form pro-
19 vides otherwise, and regardless of whether the form names or iden-
20 tifies the adoptive parent, the consent delegates to the adoptive
21 parent all powers that may be delegated under AS 13.26.020. The power
22 of attorney takes effect when the child is delivered to the adoptive
23 parent, and remains in effect as long as the consent is in effect; but
24 the power of attorney is not effective beyond one year, unless the
25 court extends it for good cause. The power of attorney does not
26 terminate on the death or disability of the person executing the
27 consent, unless the consent form so states. This subsection may not
28 be construed to alter the requirements of the Interstate Compact on
29 the Placement of Children (AS 47.70).

1 * Sec. 7. AS 25.23.070(b) is amended to read:

2 (b) A consent to adoption may be withdrawn before the entry of a
3 decree of adoption, within 10 days after the consent is given, by
4 delivering written notice to the person obtaining the consent, or
5 after the 10-day period, if the court finds, after notice and oppor-
6 tunity to be heard is afforded to petitioner, the person seeking the
7 withdrawal, and the agency placing a child for adoption, that the
8 withdrawal is in the best interest of the person to be adopted and the
9 court orders the withdrawal.

10 * Sec. 8. AS 25.23.080(c) is amended to read:

11 (c) A certified copy of the birth certificate or verification of
12 the birth record of the person to be adopted, if available, the infor-
13 mation specified in AS 25.23.185(a), if available, and the required
14 consents, relinquishments, and termination orders shall be filed with
15 the clerk.

16 * Sec. 9. AS 25.23.100(a) is amended to read:

17 (a) After the filing of a petition to adopt a minor, the court
18 shall fix a time and place for hearing the petition. At least 20 days
19 before the date of hearing, the petitioner shall give notice of the
20 filing of the petition and of the time and place of hearing [SHALL BE
21 GIVEN BY THE PETITIONER] to (1) the department, unless the adoption is
22 by a stepparent of the child; (2) any agency or person whose consent
23 to the adoption is required by this chapter, but who has not consent-
24 ed; and (3) a person whose consent is dispensed with upon any ground
25 mentioned in AS 25.23.050(a)(1), (2), (3), (6), (7), (8) and (9), but
26 who has not consented. The notice to the department shall be accom-
27 panied by a copy of the petition. [IN THIS SUBSECTION, "STEPPARENT"
28 MEANS THE SPOUSE OF A NATURAL PARENT OF THE CHILD RESIDING IN THE SAME
29 HOUSEHOLD.]

1 * Sec. 10. AS 25.23.100(b) is amended to read:

2 (b) Notice to persons specified in AS 25.23.050 shall include a
3 statement of the grounds under which consent to the adoption is not
4 required. Notice given under this section shall be adequate to give
5 actual notice of the proceedings, taking into account education and
6 language differences which are known or reasonably ascertainable by
7 the petitioner or the department. The notice of hearing shall contain
8 all names by which the minor has been identified and shall state in
9 summary form the effect of a decree of adoption. Notice shall be
10 given in the manner appropriate under rules of civil procedure for the
11 service of process in a civil action in this state or in any manner
12 the court by order directs. Notice by publication may not be given
13 unless, for compelling reasons, the court orders it to be given under
14 the procedure established in Rule 4 of the Alaska Rules of Civil
15 Procedure. Proof of the giving of the notice shall be filed with the
16 court before the petition is heard, subject to the time limitations in
17 (e) of this section.

18 * Sec. 11. AS 25.23 is amended by adding a new section to read:

19 Sec. 25.23.125. INTERESTS OF MINOR TO BE ADOPTED. (a) If the
20 person to be adopted is a minor under the age of 10 and the person is
21 of sufficient age and intelligence to state desires concerning the
22 adoption, the court shall consider the person's desires.

23 (b) The court may appoint a guardian ad litem or attorney, or
24 both, under AS 25.24.310 for a minor who is to be adopted.

25 (c) The court may issue a protective order or other order that
26 is in the best interest of a minor who is to be adopted.

27 * Sec. 12. AS 25.23.130(a) is amended to read:

28 (a) A final decree of adoption, whether issued by a court of
29 this state or of any other state, has the following effect as to

1 matters within the jurisdiction or before a court of this state:

2 (1) except with respect to a spouse of the petitioner and
3 relatives of the spouse, to relieve the natural parents of the adopted
4 person of all parental rights and responsibilities, and, except as
5 provided in (c) of this section, to terminate all legal relationships
6 between the adopted person and the natural parents and other relatives
7 of the adopted person, so that the adopted person thereafter is a
8 stranger to the former relatives for all purposes including inheri-
9 tance, unless the decree of adoption specifically provides for contin-
10 uation of inheritance rights, and the interpretation or construction
11 of documents, statutes, and instruments, whether executed before or
12 after the adoption is decreed, which do not expressly include the
13 person by name or by some designation not based on a parent and child
14 or blood relationship; and

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

21 * Sec. 13. AS 25.23.130 is amended by adding a new subsection to read:

22 (c) Nothing in this chapter prohibits an adoption that allows
23 visitation between the adopted person and that person's natural par-
24 ents or other relatives.

25 * Sec. 14. AS 25.23.150(b) is repealed and reenacted to read:

26 (b) The papers and records relating to an adoption that are a
27 part of the permanent record of a court are subject to inspection only
28 upon consent of the court. The papers and records relating to an
29 adoption on file with the department, an agency, or an individual are

1 subject to inspection only with consent of all interested persons or
2 by order of a court for good cause shown. Except as provided in this
3 section, adoption records of the Bureau of Vital Statistics are sub-
4 ject to inspection under the provisions of AS 18.50.

5 * Sec. 15. AS 25.23.150(c) is amended to read:

6 (c) Except as otherwise provided by law, or as authorized in
7 writing by the adopted child, if 14 or more years of age, or by the
8 adoptive parent, or upon order of the court for good cause shown [IN
9 EXCEPTIONAL CASES], a [NO] person may not [IS REQUIRED TO] disclose
10 the [NAME OR] identity or address of either an adoptive parent or an
11 adopted child.

12 * Sec. 16. AS 25.23.150 is amended by adding a new subsection to read:

13 (d) The court may order the disclosure of a natural parent's
14 identity or address only if

15 (1) the court makes an express finding that the disclosure
16 is required because of a medical necessity or other extraordinary
17 circumstance; and

18 (2) the natural parent, the adopted child, and the adoptive
19 parents are afforded proper notice and a hearing.

20 * Sec. 17. AS 25.23 is amended by adding a new section to read:

21 Sec. 25.23.173. INDIAN CHILD ADOPTION REPORTS. After entering a
22 final decree or order in an Indian child adoptive placement, the court
23 shall send to the Secretary of the Interior a copy of the decree or
24 order and other information required by 25 U.S.C. 1951 (sec. 301(a) of
25 the Indian Child Welfare Act of 1978).

26 * Sec. 18. AS 25.23 is amended by adding a new section to read:

27 Sec. 25.23.185. RECORDS AND INFORMATION. (a) At the time a
28 petition for adoption is filed with the court, the agency or individu-
29 al placing the person for adoption, or the petitioner, shall file with

1 the court, for release to the state registrar of vital statistics, the
2 following information, or an explanation of its unavailability, on
3 forms provided by the department:

4 (1) the address of each parent named on the original birth
5 certificate;

6 (2) background information required under AS 18 50.510;

7 (3) a statement signed by each parent named on the original
8 birth certificate acknowledging receipt of a copy of AS 18.50.500 -
9 18.50.510 and an understanding of those provisions; and

10 (4) a statement signed by each parent named on the original
11 birth certificate that indicates whether the parent consents to dis-
12 closure of the parent's identity under AS 18.50.500.

13 (b) Upon entry of a decree of adoption, the clerk of the court
14 shall transmit to the Bureau of Vital Statistics the statement and the
15 information provided under (a) of this section. The bureau shall
16 attach the statement and information to the original birth certificate
17 of the adopted person.

18 (c) A child adoption agency licensed under AS 47.35.100 shall
19 maintain records of the information required to be furnished to the
20 court under this section or under regulations of the commissioner
21 implementing this section. If a child adoption agency ceases to place
22 persons for adoption, it shall transfer its records to the commission-
23 er.

24 * Sec. 19. AS 25.23.230 is amended to read:

25 Sec. 25.23.230. REGULATIONS. The department shall adopt regu-
26 lations necessary to implement the provisions of AS 25.23.185 - 25.-
27 23.240 [AS 25.23.190 - 25.23.240].

28 * Sec. 20. AS 25.23.240 is amended by adding a new paragraph to read:

29 (9) "stepparent" means the spouse of a natural parent of

1 the child residing in the same household.

2 * Sec. 21. AS 44.21.410(a) is amended to read:

3 (a) The office of public advocacy shall

4 (1) perform the duties of the public guardian under AS 13.-
5 26.360 - 13.26.410;

6 (2) provide visitors and experts in guardianship proceed-
7 ings under AS 13.26.131;

8 (3) provide guardian ad litem services to children in child
9 protection actions under AS 47.17.030(e) and to wards and respondents
10 in guardianship proceedings who will suffer financial hardship or
11 become dependent upon a government agency or a private person or
12 agency if the services are not provided at state expense under AS 13.-
13 26.112;

14 (4) provide legal representation in guardianship proceed-
15 ings to respondents who are financially unable to employ attorneys
16 under AS 13.26.106(b), to indigent parties in cases involving child
17 custody in which the opposing party is represented by counsel provided
18 by a public agency, and to indigent parents or guardians of a minor
19 respondent in a commitment proceeding concerning the minor under
20 AS 47.30.775;

21 (5) provide legal representation and guardian ad litem
22 services under AS 25.24.310; in cases arising under the Uniform Inter-
23 state Compact on Juveniles (AS 47.15); in cases involving petitions to
24 adopt a minor under AS 25.23.125(b) [AS 25.23.100(j)]; in cases in-
25 volving petitions to remove the disabilities of a minor under AS 09.-
26 55.590; in children's proceedings under AS 47.10.050(a); and in cases
27 involving indigent persons who are entitled to representation under
28 AS 18.85.100 and who cannot be represented by the public defender
29 agency because of a conflict of interests.

1 * Sec. 22. AS 25.23.100(j) is repealed.

2 * Sec. 23. RETROACTIVE EFFECT; RECONSIDERATION OF DENIAL OF VISITATION
3 RIGHTS. (a) The amendments to AS 25.23.130 made by secs. 13 and 14 of
4 this Act are retroactive with regard to

5 (1) an adoption decree in which the superior court granted
6 visitation rights to a natural parent or other relative of the adopted
7 person; and

8 (2) an adoption decree entered on or after January 1, 1984, in
9 which the superior court denied a request that a natural parent or other
10 relative of the adopted person be granted visitation rights, if the request
11 was made in the pleadings and the adopted person is under 18 years of age.

12 (b) A party to an adoption under (a)(2) of this section may petition
13 the court for reconsideration of the denial of visitation rights.

14 * Sec. 24. This Act takes effect immediately in accordance with AS 01.-
15 10.070(c).

Introduced: 2/22/85
Referred: Health, Education & Social Services
Judiciary

BY RODEY, P.FISCHER
STURGULEWSKI AND KERTTULA

1 IN THE SENATE

2 SENATE BILL NO. 187

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

13 (1) thereafter, the original certificate and the evidence
14 of adoption or legitimation are not subject to inspection except upon
15 order of the superior court; however, the state registrar [OR AS
16 PROVIDED BY REGULATION; HOWEVER, THE REGULATION] shall allow inspec-
17 tion by an agent of the state or federal government acting in the
18 performance of the agent's [HIS] official duties;

19 (2) upon receipt of a report that an adoption has been
20 vacated, the original certificate of birth shall be restored to its
21 place in the files and the new certificate and evidence are not sub-
22 ject to inspection except upon order of a superior court.

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

24 ARTICLE 6. ACCESS TO ADOPTION INFORMATION.

25 Sec. 18.50.500. ACCESS TO ADOPTION INFORMATION. (a) Upon
26 receipt by the state registrar of a request by an adopted person 18
27 years of age or older for the identity of a biological parent of the
28 adopted person, the state registrar shall give notice of the request
29 to the biological parent by certified mail, deliverable to the

1 addressee only. The state registrar shall disclose the name and
2 address of the biological parent as it appears on the original certifi-
3 cate of birth of the adopted person if a written objection by the
4 biological parent is not received by the state registrar within 90
5 days after the date notice was mailed. If written objection is re-
6 ceived from the biological parent within the 90 days, the state regis-
7 trar may not disclose the name and address of that biological parent
8 to the person who requested it unless disclosure is ordered by the
9 court under AS 25.23.150.

10 (b) The state registrar shall, at the request of a biological
11 parent of an adopted child, attach the parent's current name and
12 address to the original certificate of birth of the adopted child.
13 The name and address shall be released to the adopted person in accor-
14 dance with (a) of this section.

15 (c) The state registrar shall, at the request of an adopted
16 person over 18 years of age, attach the person's name and address to
17 the person's original certificate of birth for release to the person's
18 biological parent on that parent's request.

19 Sec. 18.50.510. DESCRIPTIVE INFORMATION REGARDING BIOLOGICAL
20 PARENTS. (a) The state registrar shall, at the request of an adop-
21 tive parent of a person adopted on or after January 1, 1986, or of an
22 adopted person 18 years of age or older, release the following infor-
23 mation regarding a biological parent named on the original birth
24 certificate of the adopted person when available from the registrar's
25 records:

26 (1) the age of a biological parent on the birth date of the
27 adopted person;

28 (2) the heritage of a biological parent, to include:

29 (A) national origin;

- 1 (B) ethnic background; and
2 (C) tribal membership;
3 (3) the health history of a biological parent and of blood
4 relatives of a biological parent;
5 (4) the number of years of school completed by a biological
6 parent by the birth date of the adopted person;
7 (5) a physical description of a biological parent on the
8 birth date of the adopted person including height, weight, and color
9 of hair, eyes and skin;
10 (6) the existence of other children of a biological parent;
11 (7) whether a biological parent was alive at the time of
12 adoption;
13 (8) the religion of a biological parent.

14 (b) Information released under (a) of this section shall be on a
15 standard form prepared by the commissioner. The information may not
16 include the name of a biological parent or other information not
17 listed in (a) of this section.

18 Sec. 18.50.520. ASSISTANCE TO REGISTRAR IN OBTAINING INFORMA-
19 TION. At the request of the state registrar the commissioner shall
20 attempt to obtain information listed under AS 18.50.510 relating to
21 the biological parents of an adopted person regardless of the date of
22 the person's adoption. The disclosure of information requested by the
23 commissioner under this section is not prohibited under AS 25.23.-
24 150(c).

25 Sec. 18.50.530. DEFINITIONS. In AS 18.50.500 - 18.50.530

26 (1) "adoptive parent" means a person who has adopted another
27 person under AS 25.23;

28 (2) "biological parent" means a parent named on the origi-
29 nal certificate of birth of an adopted person;

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

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

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

7 * Sec. 3. AS 25.23.060(a) is amended to read:

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

12 (1) the consent form states that the person required to
13 consent to the adoption under AS 25.23.040 has the right to withdraw
14 that consent as provided in AS 25.23.070(b); and

15 (2) the person who signs the consent form acknowledges
16 receipt of a copy.

17 * Sec. 4. AS 25.23.080(c) is amended to read:

18 (c) A certified copy of the birth certificate or verification of
19 the birth record of the person to be adopted, if available, the infor-
20 mation specified in AS 25.23.185(a), if available, and the required
21 consents, relinquishments, and termination orders shall be filed with
22 the clerk.

23 * Sec. 5. AS 25.23.150(b) is repealed and reenacted to read:

24 (b) The papers and records relating to an adoption that are a
25 part of the permanent record of a court are subject to inspection only
26 upon consent of the court. The papers and records relating to an
27 adoption on file with the department, an agency, or an individual are
28 subject to inspection only with consent of all interested persons or
29 by order of a court for good cause shown. Except as provided in this

1 section, adoption records of the Bureau of Vital Statistics are sub-
2 ject to inspection under the provisions of AS 18.50.

3 * Sec. 6. AS 25.23.150(c) is amended to read:

4 (c) Except as otherwise provided by law, or as authorized in
5 writing by the adopted child, if 14 or more years of age, or by the
6 adoptive parent, or upon order of the court for good cause shown [IN
7 EXCEPTIONAL CASES], a [NO] person may not [IS REQUIRED TO] disclose
8 the name or identity of either an adop-tive parent or an adopted child

9 * Sec. 7. AS 25.23 is amended by adding a new section to read:

10 Sec. 25.23.185. RECORDS AND INFORMATION. (a) At the time a
11 petition for adoption is filed with the court the agency or individual
12 placing the person for adoption or, if none, a petitioner shall file
13 with the court for release to the state registrar only the following
14 information, or an explanation of its unavailability, on separate
15 forms provided by the department:

16 (1) the address of each biological parent named on the
17 original birth certificate;

18 (2) background information required under AS 18.50.510; and

19 (3) a statement signed by each biological parent named on
20 the original birth certificate acknowledging receipt of a copy of
21 AS 18.50.500 - 18.50.510 and an understanding of those provisions.

22 (b) The statement and the information provided under (a) of this
23 section shall be attached to the original certificate of birth of the
24 adopted person upon entry of a decree of adoption.

25 * Sec. 8. This Act takes effect January 1, 1986.

26

COPY

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AGENCIES
BUREAU ALASKA
907 465 3810

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 4, 1986

SUBJECT: Sectional analysis
HCS SB187 (2d Judiciary))

TO: Representative Al Adams
Chairman, House Finance Committee

FROM: Edward H. Hein *EHA*
Legislative Counsel

Section 1 provides that, for purposes of intestate succession, an adopted child inherits from the adoptive parents instead of the natural parents, unless the adoption decree specifically provides for continuation of inheritance rights through the natural parents. This eliminates a conflict between the adoption chapter and the intestate inheritance provisions.

Sec. 2 supplies the correct statutory reference for court ordered inspections of original birth certificates and other evidence of adoption held by the bureau of vital statistics, and clarifies that the state registrar, not the regulations, must allow inspection by government agents.

Sec. 3 adds definitions to the vital statistics chapter, AS 18.50.

Sec. 4 establishes procedures and restrictions for release of information by the bureau of vital statistics to an adopted person regarding the person's biological parents. Proposed AS 18.50.500 would allow adopted persons 18 or older to ask the bureau to disclose the identity of the person's biological parents. The information may be disclosed only if the biological parent consents in writing. This section illustrates the form to be developed and provided by the Department of Health and Social Services on which a biological parent may give instructions regarding disclosure of his or her identity to the child. A biological parent may object or consent only to

February 4, 1986

disclosure of his or her own name and address. If either parent objects, that parent's name will be deleted from the copy of the original birth certificate given to the adopted child. Adopted children 18 and older, as well as biological parents, may submit notices of changes of name and address to the bureau for attachment to the child's original birth certificate. A biological parent may obtain the name and address of his or her child from the state registrar if the child is 18 or older and has requested disclosure.

Proposed AS 18.50.510 requires the bureau of vital statistics to provide to an adopted person 18 or older who requests the information, descriptive, historical, and medical information about the person's biological parents if the information is available from the bureau's adoption records.

Sec. 5 provides that a consent form for an adoption must include a statement of the right to withdraw consent, an acknowledgement that the consenter received a copy of the form, and a statement of whether the child is an Indian child for purposes of compliance with the Indian Child Welfare Act.

Sec. 6 incorporates into the consent to an adoption a power of attorney giving the adoptive parents powers regarding the child's care, custody, property, etc., unless specifically limited in the consent form. The power of attorney is good for one year, or longer if the court approves for good cause. The court's extension beyond one year is not contained in AS 13.26.020. The power of attorney would not expire on the death or disability of the consenter, unless the consent form said so. C.f., AS 13.26.325 - 13.26.330. This section is not to be construed as altering requirements of the Interstate Compact on the Placement of Children.

Sec. 7 clarifies when the 10-day period for automatic withdrawal of consent to an adoption begins to run.

Sec. 8 is a cross-reference to AS 25.23.185(a), which is added in sec. 18 of the bill.

Sec. 9 deletes the definition of "stepparent," which is transferred to the definitions section, AS 25.23.240 by sec. 20 of the bill. Sec. 9 also changes the second sentence of AS 25.23.100(a) from the passive voice to the active voice.

Sec. 10 authorizes the court in an adoption proceeding to order notice by publication of an adoption hearing for compelling reasons. This is intended to assist in notifying persons entitled to notice by law, but who cannot otherwise be found.

Sec. 11 requires the court in an adoption proceeding to consider the wishes of a minor under 10 who is to be adopted, if the minor is of "sufficient age and intelligence to state desires concerning the adoption." The authority of the court to appoint a guardian ad litem or attorney for a minor who is to be adopted is transferred here from AS 25.23.100(j), which is then repealed in sec. 22 of the bill. Also, the court is authorized by sec. 11 to issue protective orders and other orders that are in the best interest of a minor who is to be adopted.

Sec. 12 provides that an allowing visitation by natural parents or relatives is an exception to the requirement that an adoption decree terminates all legal relationships between an adopted person and the natural parents and relatives. (See sec. 13 comments.)

Sec. 13 makes clear that visitation between adopted children and their natural parents and relatives is not prohibited. This change is intended to resolve confusion on this question caused by the language of AS 25.23.130(a)(1), which says that the effect of an adoption is "to terminate all legal relationships between the adopted person and the natural parents and other relatives of the adopted person, so that the adopted person thereafter is a stranger to the former relatives for all purposes . . ." This change has the effect of reversing the Alaska Supreme Court's holding in the case of In re W.E.G. and J.R.G., Op. No. 2998 (Dec. 6, 1985).

Sec. 14 makes clear that court adoption records may be inspected only with the court's consent; adoption records held by the Department of Health and Social Services, an adoption agency, or individuals may be inspected only with the consent of all interested persons or by court order; and that, excepted as provided here, adoption records held by the Bureau of Vital Statistics may be inspected only in accordance with AS 18.50.

Sec. 15 adds to AS 25.23.150(c) an exception for disclosures of the name or identity of adoptive parents and

adopted children under proposed AS 18.50.500 - 18.50.510, and other provisions of law related to disclosure of adoption records that might be in conflict with this subsection if the exception were not inserted.

Sec. 16 allows a court to disclose a natural parent's identity and address only for a medical emergency or other extraordinary circumstance and with due process protections for the adopted child, the natural parents and the adoptive parents.

Sec. 17 incorporates into state law the federal requirement of reporting Indian child adoptions to the Secretary of the Interior under provisions of the Indian Child Welfare Act.

Sec. 18 specifies information that must be filed with the court with the petition for adoption and that must be transmitted by the court clerk to the state registrar of vital statistics. This is the information needed for the operation of AS 18.50.500 - 18.50.510. This section also requires private adoption agencies to maintain records containing this same information, and to transfer its records to the commissioner of health and social services if the agency discontinues adoption placements.

Sec. 19 corrects a statutory reference in existing law to provide for the addition of a new statute added by sec. 18 of the bill.

Sec. 20 adds a definition of "stepparent" for purposes of the adoption chapter, AS 25.23. See comments under sec. 9 of this sectional analysis.

Sec. 21 corrects a statutory reference necessitated by the repeal and transfer of AS 25.23.100(j). See comments under sec. 11 of this sectional analysis.

Sec. 22 repeals AS 25.23.100(j). See comments under sec. 11 of this sectional analysis.

Sec. 23 applies the provisions of this bill retroactively to certain adoption decrees that were entered before the effective date of the act and that involved visitation rights by a natural parent or relative of the adoptive child. The section also establishes a procedure for requesting a court to reconsider a denial of such visitation rights in adoption decrees entered on or after January 1, 1984.

Representative Al Adams
Page 5
February 4, 1986

Sec. 24 provides for an immediate effective date.

EHH:mkr
M2:137

Alaska State Legislature

BETTYE FAHRENKAMP, Chairman
ARLISS STURGULEWSKI, Vice Chairman
JOE JOSEPHSON
PAUL FISCHER
EDNA ARMSTRONG-DE VRIES



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Senate Committee on Health, Education and Social Services

M E M O R A N D U M

TO: Members, Senate Committee on Health, Education and Social Services

FROM: Committee Staff

RE: Committee Meeting, March 21, 1985

DATE: March 20, 1985

On Thursday, March 21, at 1:30 pm in the Beltz Room, the Senate Committee on Health, Education and Social Services will hear the following bills:

SB 51 and SB 159, Relating to state aid for school construction.

Under existing AS 14.11.100, state aid for retirement of school construction debt is allocated based on payments made by a municipality during previous fiscal years. Current statute provides a 90% reimbursement for bonded indebtedness incurred by a municipality prior to 1983, and a 50% reimbursement for debt incurred after 1983. SB 51 would increase the reimbursement for indebtedness incurred after 1983 to 90%, and provide that funds be distributed pro rata among municipalities having an annual growth rate of 5% or more, with remaining funds distributed among other municipalities. SB 159 would increase reimbursement for indebtedness incurred after 1983 to 75%.

SB 187, An Act relating to adoption.

Current statute authorizes the Department of Health and Social Services to promulgate regulations governing the inspection of original birth certificates of adopted children. Current regulations allow an adult adoptee to request and receive an uncertified copy of his or her original birth certificate. SB 187 would establish a statutory procedure governing access to

adoption information. Adult adoptees would continue to have access to the name and address of their biological parents. However, the biological parents would be notified of the request by certified mail, and be given 90 days to respond. If no response was received, disclosure would be made.

In addition, because of the demand for non-identifying information on the biological parents (blood type, ethnic background, etc.), SB 187 would require that a petitioner for adoption file with the state registrar specific "non-identifying" information regarding the biological parent. This information would be released upon the request of an adoptive parent or child.

SB 192, Waiving restrictions on use of sick leave banks.

SB 192 would waive the limit on the amount of sick leave a teacher may draw in cases of severe illness or extreme hardship. This waiver would be at the discretion of the local school board.

Currently, school boards may establish sick leave banks from which a teacher, in an unusual circumstance, may draw up to twice the number of days of sick leave accumulated before the first day of school, or 24 days whichever is greater. However, in an isolated case of severe illness, a teacher may not have accrued enough sick leave to sufficiently cover the duration of an illness. SB 192 would allow individual school boards to consider the merits of each request before granting approval.

SB 217, An Act relating to participation in a negotiating unit by administrators who also teach.

Under current statute, certificated employees in a school district may by majority vote designate an educational organization to bargain for them, and the school board must recognize the organization as the bargaining agent for all certificated staff. However, current statute also allows certificated administrative personnel groups, including principals, to "opt out" and negotiate independently of the other certificated personnel.

A specific category of certificated personnel, "principal-teachers", is not addressed in existing law. SB 217 would clarify that teachers who also serve as administrators may "opt out" and choose to bargain with the certificated administrative personnel rather than with the teachers.

The National Education Association (NEA) and the Yukon Koyuk School District are currently involved in litigation over the ability of principal-teachers to opt out.

COMMITTEE REPORT
SENATE

JUDICIARY

FURTHER:

2/22/85

Date 3-21-85

Mr. President

The Committee on HESS considered SB 187
adoption; *aid.*

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title _____
- same title and recommends _____
- and attached a "LETTER OF INTENT" [] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Dec Josephson

Stu Jenkins

Chairman _____

Chairman recommendation _____

SENATE BILL NO. 187

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

Senate Bill No. 187 amends the Vital Statistics Act and the adoption statute relating to access to adoption records and consent procedures. AS 18.50 would be amended to include a new section which would provide the identity of a biological parent to an adopted person 18 years of age or older once written notice has been made by certified mail to the biological parent. It should be noted that as of the effective date of this legislation, the State Registrar would be attempting to contact a biological parent named on a birth certificate from 1967 or from prior years. On many of those original birth records no mailing address appears and often just a residence village is listed. A teen age mother in the 60's may now be married and using another name. The Department feels that after nearly two decades, the receipt rate of the certified mail will be very minimal.

The Department agrees that the non-identifying information listed under Sec. 18.50.510 (a) 1-8 will be meaningful and useful to adoptees and adoptive parents. Because the majority of placements are through private agencies and attorneys, some of the information is not likely to be available. Nevertheless, the effort will be made to obtain this information. For adoption petitions filed after January 1, 1986, the information will be provided to the court unless it is unavailable, which will be explained.

The Department of Health and Social Services supports passage of Senate Bill No. 187.

RECOMMENDED BY: Joan P. Brooks
JOAN P. BROOKS
STATE REGISTRAR
BUREAU OF VITAL STATISTICS

DATE: Feb. 28, 1985

RECOMMENDED BY: Patricia R. Alexander
PATRICIA R. ALEXANDER
DIRECTOR
DIVISION OF PLANNING

DATE: 3/4/85

APPROVED BY: John R. Pugh
JOHN R. PUGH
COMMISSIONER

DATE: 3/5/85

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: SB 187
 Title: "An Act relating to adoption"
 Sponsor: Rodev, Fischer, et al.
 Requestor: _____
 Date of Request: 2/25/85

FISCAL DETAIL

Agency Affected: Health and Social Services
 Program Category Affected: Health
 BRU, Program or Subprogram(s) Affected: Vital Statistics

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING		-0-	-0-	-0-	-0-	-0-
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE						
----------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL		-0-	-0-	-0-	-0-	-0-

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

No fiscal impact.

Patricia R. Alexander, Director

Prepared By: Joan P. Brooks
 Division: Planning/Vital Statistics

Phone: 465-3391
 Date: 2-28-85 3/4/85

Approved by Commissioner: John R. Poy
 Agency: HEALTH + SOCIAL SERVICES

Date: 3/5/85 JCC

Distribution (by Agency preparing fiscal note):

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

the bureau may be opened by the State Registrar for inspection by an agent of the state or federal government acting in the performance of official duties. A report filed with the bureau for the adoption of a person born outside of Alaska shall be forwarded by the bureau to the appropriate registration authority in the state of birth. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.210
AS 20.10.130

7 AAC 05.680. EVIDENCE OF LEGITIMATION. All evidence or proof that any person born out of wedlock in Alaska has subsequently been legitimated in accordance with the statutes shall be filed with the bureau as soon as possible after such legitimation. Such evidence or proof, as well as any court adjudications, shall be submitted on the forms prescribed and furnished by the bureau, or in such manner as may be determined by the State Registrar in cooperation with the Alaska Court System. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 25.20.050

7 AAC 05.690. REGISTRATION. The clerk of court shall be responsible for forwarding to the bureau a certified copy of any such adjudication, along with any related information requested by the State Registrar; and the parents, either or both, shall be responsible for furnishing the required proof in other cases; both in accordance with the instructions of the State Registrar in cooperation with the Alaska Court System. Such evidence, proof, or adjudication shall be noted on, and filed with, the corresponding original certificate of birth; however, copies of such proof shall not be forwarded to the custodian of the corresponding local record, nor shall it be made available to the general public. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 25.20.050

ARTICLE 3. SPECIAL PROCEDURES

Section

- 700. New certificate of birth
- 710. Request
- 720. Form of certificate
- 730. Filing of certificate
- 740. Procedure on adoption

- 750. New original certificate
- 760. Sealing of copies
- 770. Permitted disclosure
- 780. Delayed registration
- 790. Definitions
- 800. Forms and proof
- 805. Acceptability of belated certificate
- 810. Delayed certificate
- 815. Form and procedure
- 820. Acceptable evidence
- 825. Requirement of independence
- 830. Filing
- 835. Notification of applicant
- 840. Delayed death certificate
- 845. Furnishing of copy
- 850. Effect of court order
- 855. Form and hearing
- 860. Filing procedure
- 865. Presumptive death
- 870. Filing of certificate
- 875. Corrections and amendments
- 880. Definitions
- 885. Method of correction
- 890. Authority for correction
- 895. Style of correction
- 900. Change of name
- 905. Court order controls
- 910. Notice of changes
- 915. Burden of proof
- 920. Confidentiality of records
- 925. Limited disclosure
- 930. Government agents
- 935. Procedure
- 940. Short-form certificate
- 945. Limitation on copying
- 950. Research information
- 955. Duty of employees
- 960. Certified copies
- 965. Evidentiary value
- 970. Limitation on copying
- 975. Fees
- 980. Record-keeping duty
- 985. Reports and information
- 990. Preservation of evidence

7 AAC 05.700. NEW CERTIFICATE OF BIRTH. The bureau shall establish a new certificate of birth, upon proper request that such certificate be made, for persons born in

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

Authority: AS 18.50.220
AS 25.20.050

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

Authority: AS 18.50.220
AS 25.20.050

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

Authority: AS 18.50.220
AS 25.20.050

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

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

Authority: AS 18.50.220
AS 25.20.050

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

Authority: AS 18.50.220
AS 25.20.050

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

Authority: AS 18.50.220
AS 25.20.050

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

original copy. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.220
AS 25.20.050

7 AAC 05.770. PERMITTED DISCLOSURE. After the establishment of a new certificate of birth in accordance with these provisions, such new certificate shall be the official certificate of birth of the person concerned. A verification or certified copy of part or all of such new certificate may be made by the bureau and by any local custodian of a copy of such new certificate, subject to the provisions on disclosure of records; and when properly issued and certified, shall be prima facie evidence of the date and place of birth of the person therein named. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.220
AS 25.20.050

7 AAC 05.780. DELAYED REGISTRATION. When the birth of a person born in Alaska, heretofore or hereafter, has not been registered, a certificate may be filed in accordance with the Vital Statistics Act, these regulations, and instructions issued thereunder. Its acceptance for registration shall be determined by the evidentiary and other requirements established hereunder. The establishment of such procedure, or the acceptance for registration of a certificate thereunder, does not relieve anyone from any responsibility he had for filing such certificate within a specified time. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.180

7 AAC 05.790. DEFINITIONS. As used herein

(1) "belated" birth certificate means one filed after the time prescribed for filing but within one year from the date of birth;

(2) "delayed" birth certificate means one filed one year or more after the date of birth; and

(3) "application for registration" means the filing of a satisfactory certificate form, signed, acknowledged, and completed to the extent required of the applicant, in accordance with the instructions of the State Registrar, with the

proper local registrar or with the bureau as may be required. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.180

7 AAC 05.800. FORMS AND PROOF. The belated or delayed certificate forms shall be those prescribed and furnished by the bureau, and the evidentiary or other information required shall be submitted on such forms or in such manner as shall be determined by the State Registrar. Original documents may be submitted to the bureau at the owner's risk; they may be copied, abstracted, or otherwise included in the substantiating evidence, but shall be returned to the owner if so requested. The required proof or evidence needed to substantiate a delayed certificate shall be the responsibility of the person concerned, and the burden of proof shall rest with such person. Fees for registering a delayed certificate and any charges for obtaining substantiating evidence shall be as prescribed by the State Registrar, and shall be paid to the bureau by the applicant before such certificate may be registered. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.50.180

7 AAC 05.805. ACCEPTABILITY OF BELATED CERTIFICATE. A belated birth certificate shall be the regular certificate of live birth form, and shall be filed with the local registrar of the registration district within which the birth occurred. To be acceptable the form must be completed fully and accurately, and signed by the physician or other person who attended the birth; or in the absence or unavailability of such person, by one of the parents; or otherwise in accordance with the instructions of the State Registrar. The State Registrar may require additional evidence of the facts of birth before accepting the registration in cases where he deems this necessary. Such belated certificate shall be recorded and transmitted in the same manner as regular certificates of birth. No fee shall be charged for the registration of belated birth certificates. (In effect before 7/28/59; am 7/25/60, Reg. 2)

Authority: AS 18.15.180

7 AAC 05.810. DELAYED CERTIFICATE. A delayed birth certificate for a person less than 12 years of age at the time of application for registration, as defined herein, may be filed

- * HEALTH AND SOCIAL SERVICES HAVE REGULATIONS ALLOWING ADULT ADOPTees TO INSPECT THEIR ORIGINAL BIRTH CERTIFICATES.
- * SB 187 ESTABLISHES A STATUTORY PROCEDURE FOR ACCESS TO ADOPTION INFORMATION
- * ADULT ADOPTees WOULD CONTINUE TO HAVE ACCESS TO THE NAME AND ADDRESS OF THEIR BIOLOGICAL PARENTS. HOWEVER, THE PARENTS WOULD BE NOTIFIED OF THE REQUEST BY CERTIFIED MAIL, AND BE GIVEN 90 DAYS TO RESPOND. IF NO RESPONSE WAS RECEIVED, DISCLOSURE WOULD BE MADE.
- * SB 187 WOULD REQUIRE A PETITIONER FOR ADOPTION FILE WITH THE STATE REGISTRAR SPECIFIC "NON-IDENTIFYING" INFO REGARDING THE BIOLOGICAL PARENT. THIS INFORMATION WOULD BE RELEASED UPON REQUEST OF ADOPTIVE PARENT OR CHILD.

NONIDENTIFYING INFORMATION:

- 1. THE AGE OF A BIOLOGICAL PARENT ON THE BIRTH DATE OF THE CHILD
- 2. THE HERITAGE OF A BIOLOGICAL PARENT TO INCLUDE:
 - a) National Origin
 - b) Ethnic Background
 - c) Tribal Membership
- 3. THE HEALTH HISTORY OF A BIOLOGICAL PARENT AND OF BLOOD RELATIVES OF A BIOLOGICAL PARENT
- 4. THE NUMBER OF YEARS OF SCHOOL COMPLETED BY A BIOLOGICAL PARENT BY THE BIRTH DATE OF THE ADOPTED PERSON
- 5. A PHYSICAL DESCRIPTION OF A BIOLOGICAL PARENT ON THE BIRTH DATE OF THE ADOPTED PERSON INCLUDING HEIGHT, WEIGHT, AND COLOR OF HAIR, EYES, AND SKIN.
- 6. THE EXISTENCE OF OTHER CHILDREN OF A BIOLOGICAL PARENT
- 7. WHETHER A BIOLOGICAL PARENT WAS ALIVE AT THE TIME OF ADOPTION
- 8. THE RELIGION OF A BIOLOGICAL PARENT

FYI

**1) INSPECTION OF ORIGINAL BIRTH CERTIFICATES

WHEN THE SUPERIOR COURT APPROVES AN ADOPTION PETITION, THE ORIGINAL BIRTH CERTIFICATE GOES TO THE DIVISION OF VITAL STATISTICS. THE CERTIFICATE IS THEN SEALED AND A DUPLICATE IS MADE WITH THE NAMES OF THE LEGAL PARENTS REPLACING THOSE OF THE BIOLOGICAL. ALL ADOPTIONS HAVE TO BE APPROVED BY THE COURT, SO ALL ADOPTIVE BIRTH CERTIFICATES GET FILED WITH THE DIVISION OF VITAL STATISTICS.

- a. CURRENT STATUTE GIVES DH&SS AUTHORITY TO REGULATE THE INSPECTION OF ORIGINAL BIRTH CERTIFICATES OF ADOPTED CHILDREN.
- b. REGULATIONS ALLOW AN ADULT ADOPTEE TO REQUEST AND RECEIVE AN UNCERTIFIED COPY OF HIS OR HER ORIGINAL BIRTH CERTIFICATE.
- c. SB 187 WOULD ESTABLISH A STATUTORY PROCEDURE GOVERNING ACCESS TO ADOPTION INFORMATION. ADULT ADOPTees WOULD CONTINUE TO HAVE ACCESS TO THEIR ORIGINAL BIRTH CERTIFICATES. HOWEVER, THE BIOLOGICAL PARENTS WOULD BE NOTIFIED OF THE REQUEST BY CERTIFIED MAIL AND BE GIVEN 90 DAYS TO RESPOND. IF NO RESPONSE WAS RECEIVED, DISCLOSURE WOULD BE MADE.
- d. THE DH&SS FEELS THE RECEIPT RATE OF MAIL WILL BE VERY MINIMAL, BUT THAT THE EFFORT SHOULD BE MADE TO PROTECT THE RIGHTS OF THE BIOLOGICAL PARENTS.

**2) NON-IDENTIFYING INFORMATION ON BIOLOGICAL PARENTS

PRESENTLY, THE ONLY INFORMATION AVAILABLE TO ADOPTIVE CHILDREN ABOUT THEIR BIOLOGICAL PARENTS ARE THEIR NAMES ON THE ORIGINAL BIRTH CERTIFICATE. BECAUSE OF THE DEMAND FOR NON-IDENTIFYING INFORMATION ON THE BIOLOGICAL PARENTS, SUCH AS THEIR BLOOD TYPE, THEIR TRIBE OR ETHNIC BACKGROUND, THE BILL WOULD REQUIRE THAT AS OF JANUARY 1, 1986,

- a. PERSONS OR AGENCIES PLACING CHILDREN FOR ADOPTION PROVIDE 8 NON-IDENTIFYING ITEMS ABOUT THE BIOLOGICAL PARENTS ON A STANDARD FORM WHICH MAY NOT INCLUDE THEIR NAME OR OTHER IDENTIFYING INFORMATION.
- b. THIS INFORMATION SHALL BE ATTACHED TO THE ORIGINAL BIRTH CERTIFICATE UPON ENTRY OF AN ADOPTIVE DECREE. RELEASE OF THE ITEMS ARE PERMITTED UPON THE REQUEST OF THE ADOPTIVE PARENTS OR ADULT ADOPTEE AS OF JANUARY 1, 1986.

**3) SB 187 WOULD REQUIRE THAT ON THE CONSENT-TO-ADOPT FORM, IT BE STATED THAT THE PETITIONER HAS 10 DAYS TO WITHDRAW THEIR CONSENT FROM THE TIME THE FORM IS SIGNED.

**4) SB 187 WOULD REQUIRE THAT AT ANY TIME, AT THE REQUEST OF THE BIOLOGICAL PARENTS, THEIR ADDRESSES BE ATTACHED TO THE ORIGINAL BIRTH CERTIFICATE AND MADE AVAILABLE TO THE ADULT ADOPTEE. LIKewise, AT THE REQUEST OF THE ADULT ADOPTEE, HIS OR HER ADDRESS MAY ALSO BE ATTACHED AND MADE AVAILABLE TO THE BIOLOGICAL PARENT.

**5) SB 187 WOULD REQUIRE THAT AT THE TIME A PETITION FOR ADOPTION WITH THE COURT IS FILED, THE BIOLOGICAL PARENTS SIGN A STATEMENT ACKNOWLEDGING THAT THEY UNDERSTAND THE ADOPTIVE PROCEDURES.

*Pudge -
shall require
attach statement
regarding how bio parents
consent*

*RODEY
JOAN BROOKS
PUDGE KLEINKAUF*

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

Senate Health, Education and Social Services Committee
Senator Bettye Fahrenkamp, Chair
Senate Bill 187 - Adoption Records
March 21, 1985

Section 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.)
- 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 within 90 days.
- Requires the State Registrar to attach to the original birth certificate the name and address of the adoptee and/or the biological parent if they request it and then enables release of the name and address of the adoptee to the biological parent and the biological parent to the adoptee.
- Permits the release of eight items of non-identifying information to adoptive parents and/or adoptees 18 years of age or older on request.
- Requires that the State shall provide the non-identifying information on a standard form which may not include name or other identifying information.
- Requires that the Department of Health and Social Services attempt to obtain the eight non-identifying information items upon request.
- Provides definitions
- 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 -Includes the eight non-identifying information items as information which must be filed with the court clerk under A.S. 25.23.080(c).
- Section 5 -Clarifies access to adoption records under A.S. 25.23.150.
- Section 6 -Prohibits the disclosure of the name of either an adoptee or a biological parent.

Section 7

- ① -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. Provides that the State Registrar must attach current information on biological parents and adoptees to the original birth certificate at any time.
- Requires that the biological parent sign a statement that they have received a copy of the provisions which describe the notification procedures under A.S. 18.50.510 and that they are aware that they and the adoptee (upon reaching adulthood) can attach their name and address to the original birth certificate for release to the other at any time.
- X -Requires that the non-identifying information shall be attached to the original birth certificate upon entry of an adoption decree.

Cecilia Kleinkauf, Lobbyist
Alaska Chapter, National Association of Social Workers

PATRICK RODEY
SENATOR

ALASKA STATE SENATE

MAR 4 - 1985

Rodey 3717
Katie

POUCH V
JUNEAU, ALASKA 99811
(907) 465-3793
(907) 475-3754



DATE: February 28, 1985

TO : Senator Bettye Fahrenkamp, Chair
Senate Health, Education & Social Services Committee

FROM: Senator Patrick Rodey

Pat

RE : Senate Bill 187-An Act increasing access to some
adoption records

SB 241
lost yr.

The above bill was referred to your committee on February 22. As you may recall, this legislation was introduced last session (Senate Bill 241) and passed the Senate. Unfortunately, the bill did not pass the House. I have been supportive of this legislation for the past several years and would appreciate your assistance in having it scheduled for committee consideration.

I would be happy to provide you with any back-up information that I have on this bill, and would suggest that you contact Pudge Kleinkauf (786-1714 or 563-6073) to keep her posted on any developments.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HESS

3-21-85 1:37pm

ALMA

ADOPTEES' LIBERTY MOVEMENT ASSOCIATION

PO BOX 154, WASHINGTON BRIDGE STATION, N.Y. N.Y. 10012
FLORENCE FISHER, PRESIDENT
(212) 581-1568

MAR 12 1986

IN OPPOSITION TO: SENATE BILL NO. 187

March 1, 1986

Legislature of the State of Alaska
Fourteenth Legislature - 2nd Session

Can you imagine what it would be like to have to beg for your birth certificate?

My name is Florence Anna Fisher. I am writing today as President and Founder of ALMA, Adoptees' Liberty Movement Association. ALMA is the only non-profit international organization representing all persons separated by adoption, and is the largest organization of its kind in the world. Our membership also includes adoptive parents who support their now-adult child's search for the truth of his origins. Since March 21, 1971, ALMA has helped more than 9,000 families reunite through unilateral searching, and through the ALMA INTERNATIONAL REUNION REGISTRY DATABANK. The databank is a multi-level cross-indexing system containing the vital statistics of more than 500,000 persons separated through adoption, for possible matching.

I am author of *The Search for Anna Fisher*, the story of my own successful search for my natural parents, which was translated into several languages, and of which there are nearly 500,000 copies in circulation. It has appeared in Reader's Digest Condensed Books; as a Book-of-the-Month Club Alternate and was published in Great Britain in 1974, one year before their adoption records were unconditionally opened to adopted adults by the *Children Act of 1975*. The film rights are now the property of Warner Communications.

I am also writing as an adoptee.

Early in this century the United States Supreme Court held that the New Mexican peonage system constituted a violation of the 13th Amendment. But a New Mexican peon, if fleet enough, might escape before the sheriffs or alcaldes could catch him. He might even get out of the territory for good. The adoptee whose records have been sealed has no such option. It is not his body that the state has imprisoned, but his soul, his mind, his very identity.

One of the smokescreens those who argue against opening records to adult adoptees throw is: *We must protect the rights of all parties.* These critics of open records plead for equal treatment of adult adoptee, adoptive parent and natural parent, while conveniently forgetting that the adoptee is the only member of the triangle who was put into it without being consulted and without consenting to be there! We were not voluntary adoptees! There were only two parties to the adoption, the natural and adoptive parents. The only way whereby adoptee, adoptive parent and natural parent can be treated equally is to restore to the adoptee the rights that were taken away from him to serve the convenience of the two sets of parents at the time of his/her adoption.

Apart from slavery, there is no other instance in our law in which a contract made among adults can bind the child once he reaches his majority!

Another argument you will hear: *What are the rights of adoptive parents? Are they only the babysitters of their children? Aren't we all? What parent has legal control over his child once that child reaches the age of majority? Why should adoptive parents have rights that extend beyond the rights of any other parent? The adoptee is not searching for another set of parents at the age of 30 or 40 or 50. He is searching for the truth of his origin. He is searching for everything you as non-adopted persons know and take for granted. If the adoptive relationship has been a loving and textured one how could it not continue? Why can't adoptive parents trust in their love, and*

that of the adopted children for them? They need have no fear. And if the adoptee finds another relationship with his natural parents. Isn't there room in the human heart for many loved persons? *If a parent can love more than one child, why can't a child love more than one parent?*

Last, the ultimate smokescreen - agency promises of *confidentiality* to the natural mother. By whom were such *promises* authorized? Wasn't *confidentiality* suggested by the agency to the distraught mother, rather than solicited by her? Hundreds of interviews with natural mothers, who comprise approximately 40% of our membership, have confirmed that indeed no such *promises of confidentiality* were ever made at the time of surrender. Rather, these mothers who begged to be kept informed of the progress and health of their children have had *confidentiality* rammed down their throats for a lifetime.

Upon reappearance of the searching adoptee, the same agency which was all too anxious to extract a relinquishment from the mother years earlier, has now suddenly rediscovered her. Under the pretext of concern for her *privacy* they now fight to *protect* mother from child. Ludicrous. It has been ALMA's experience that 98% of the mothers who have been found spent the years of separation praying for reunion with their lost children.

Yet - what of that other 2%? For one cannot deny the existence of these shadow-creatures.

Not even God can make the past not to have been taught St. Thomas Aquinas. But - what God cannot do, the adoption agency presumes to do. For the agency to promise the natural mother a *new life* is to hold out the spectre of instant reincarnation! *In a society where one is responsible for taking a life, one must be equally responsible for giving a life.* To perform a sexual act that brings another human being into the world is to render oneself accountable to that child for all time.

It is indefensible for the agency to indemnify the natural mother against accountability by granting her anonymity *from her own child.*

It is unconscionable for the agency to influence the mother to root her *new life* in a lie built on the grave of her child's human rights - *to save her own skin!*

It is inconsistent with humanity to protect the self-interests of the parent by condemning the child to lifelong anonymity.

The natural mother's right to surrender custody of the *child* must not include the right to sever the *adult* from his roots!

Lying on the witness stand is a criminal offense. There are very few other instances in life where the punishment for a discovered lie is as automatic and severe as in a court of law. Usually, an ethical attorney is able to persuade his client that lying is a poor legal tactic. *Why then, do the agencies rely on lies as the cornerstone of adoption? What is so threatening about the truth?* We pay lip-service to truth as the foundation of American family life, yet the sealed records empower agency and natural mother to collude in the deception of a prospective husband by not telling him that she has born a child who is the brother or sister of any children they will beget together. *In what other society is the behavior of a mother who separates her children from each other sanctioned, let alone condoned and supported?*

Our natural parents' *other* children are *our* brothers and sisters, *not* their *new* family. Our natural parents' brothers and sisters are *our* aunts and uncles. Our natural parents' parents are *our* grandparents.

The adopted person was *born* - not just *adopted*. He was conceived and carried by his natural mother in her womb, just as every other child is carried in its mother's womb. Our lives began, not just the day our natural parents gave birth to us, but with our grandparents, and their grandparents. Who we look like and walk like are more than *idle curiosity*. We are connected to a whole world of people who share *our blood, our genes, our ancestry*. The signing of an adoption surrender cannot alter that fact.

Our natural parents gave us their heritage. Not even God can take it away.

The agency litany is that all this is done in *the best interests of the child*. Well, I am a 54-year old grandmother, and I am that *child* - and I am outraged to be told that *now* everyone else's best interests supersede mine.

We are born We are alive. We are entitled to the records of our birth and adoption - and we want them! *Now!*

As adoptees, we know how difficult it is for the non-adopted person to identify with having been given away, stripped of an identity...stripped of roots.

What child hasn't fantasized in fear that he or she was adopted? What relief when the child is reassured by its parents that it is only a *fantasy*. Try to imagine what it would be like to find out that the fantasy is *reality* - and that the truth of *your* origins is denied to *you* forever.

Yes, it is easier for the non-adopted to identify with an infertile couple who want and need a child - or - a natural parent who once having told a lie is self-condemned to continue to live it - but -

Would *you* let someone take *your* mother away from *you*? *Your* father? *Your* daughter or son?

What would *you* do if someone told *you* that *you* could never speak to *your* mother, father, son or daughter? What would *you* do if *you* knew that *your* son or daughter was in trouble and trying to speak to *you* - desperately, longingly, hopefully - but that a stranger was preventing him or her from reaching *you*? Suppose it was *you* that was trying to reach them? Would *you* let a stranger stand in *your* way? For a minute? For an hour? For a day - week - year? For twenty years - forever?

When the founders of our country guaranteed to each citizen the right to life, liberty and the pursuit of happiness - can you believe that it was also in their minds to permit one citizen to sign away the rights of another?

Sealed records to adopted adults are to our Constitution as heresy is to the Bible.

Please help us to abolish them.

Florence Anna Fisher

Florence Anna Fisher

New York, N. Y., March, 1986

IN OPPOSITION TO: SENATE BILL NO. 187

March 1, 1986

Legislature of the State of Alaska

Fourteenth Legislature-2nd Session



ADOPTEE'S LIBERTY MOVEMENT ASSOCIATION
PO BOX 154 WASHINGTON BRIDGE STATION • NEW YORK NY 10033

FLORENCE FISHER, PRESIDENT
(212) 581-1568

TO: Representatives and Senators of the State of Alaska

FROM: Florence Anna Fisher, President, Adoptees' Liberty Movement Assn.

RE: INFORMATION ON ATTEMPT TO SEAL RECORDS IN THE STATE OF KANSAS, AND REJECTION OF SUCH ATTEMPT BY THE KANSAS STATE LEGISLATURE (see attached)

In light of the positive experience of the State of Alaska regarding open birth certificates, to yield to the paranoia of agencies and other vested interest groups would be a tragedy.

In 1983, there was an attempt by similar vested interest groups in the State of Kansas to establish a State Registry, and to seal birth records to adult adoptees.

The Legislature of the State of Kansas (see attached) rejected this attempt. Birth records, including all identifying information, remain available to adult adoptees in the State of Kansas.

May the Representatives and Senators of the State of Alaska respond with equal humanity.



STATE OF KANSAS

JOHN CARLIN, Governor

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

YOUTH SERVICES

ROBERT C. HARDER, Secretary

2700 WEST 6TH STREET
TOPEKA, KANSAS 66606
(913) 296-3284
KANS-A-N 561-3284

October 29, 1984

Ms. Florence Fisher
17 Chittenden, Apt. 4E
New York, New York 10033

Dear Ms. Fisher:

Staff in your New Jersey office called and requested you be given information regarding Kansas experience in search activities. Because you need the information immediately, I am sending copies of letters written to other individuals and agencies. I hope these help.

In reviewing these letters, I found I emphasized the positive experiences have greatly outweighed any negatives.

It would be naive to say that every search has resulted in all parties in the adoption being happy with the results of the search. Some adoptive parents view the adult son or daughter's search as a reflection on their parenting ability. Some adoptees do not like the people they find and some genetic parents do not wish the contact. Because they are human there will be problems. Our agency believes there are more problems created when there is a "big brother" mentality that presumes the state can better decide for adults what information they are entitled to have about themselves.

Sincerely yours,

(Mrs.) Peggy M. Baker
Foster Care Specialist
Foster Care Services Section

PMB:br
Enc.



file

STATE OF KANSAS

JOHN CARLIN, GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

YOUTH SERVICES

ROBERT C. HARDER, SECRETARY

2700 WEST 6TH STREET
TOPEKA, KANSAS 66606
(813) 296-3204
KANS-A-N 561-3784

February 17, 1984

The Honorable Stephen C. Banton
Missouri House of Representatives
Representative, District 94
State Capitol
Jefferson City, Missouri 65101

Dear Mr. Banton:

As you requested, I am sending copies of Kansas statutes related to adoptions, as well as the public agency's policy statement and manual material. Many Kansas private agencies have adopted similar policies.

The Vital Statistics Act which was passed in 1951 permits an adopted adult to obtain their original birth certificate, if he was born in Kansas. Kansas statutes also permit "parties of interest" to obtain the court record. Most district judges have interpreted this statute to include the adopted adult.

During this legislative session a bill is being considered to mandate the biological parents file an affidavit giving complete genetic and health history if they are voluntarily consenting to the adoption. The bill requires that a Central Registry be established for these records and they will be made available to the adoptive parents or the adopted adults. It also provides that the genetic parents be informed of the existence of the central file and of their right to update records. I will obtain a copy of that proposed legislation and send it under separate cover. The state adoption planning team consisting of private and public adoption agency staff, adoptive parent groups and adoptees have requested this bill.

Neither this office or the Vital Statistics office are aware of any problems. We have contacted genetic parents and advised of their adopted adult search. Some have asked that their child not pursue the contact and we advise the adopted person of that decision. Some of the adopted adults have hurt feelings but as far as we know did not pursue those contacts. We have had biological parents volunteer to be donors in bone marrow and kidney transplants when they were notified of the need.

I believe the philosophy behind the laws and policies reflect the attitude that adults should be able to make their own decision about pursuing contact.

February 17, 1984

Volume
Section
637

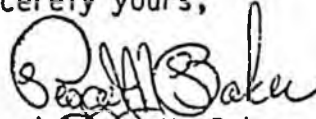
In the past ten years our office has received one complaint from an adoptive family that their adult "son" had met his genetic mother and was accepting gifts and money from her. They believed she was undermining their influence.

Two genetic parents when contacted said they did not want contact with the person they had relinquished. In both cases the adopted persons agreed to honor their genetic parents' wishes.

The major problem is lack of funding to adequately staff the central office and maintain records. Currently the requests submitted to this office are assigned as an additional responsibility to staff who have other job responsibilities with higher priorities.

If you have any questions, I can be reached at (913) 296-4660.

Sincerely yours,



(Mrs.) Peggy M. Baker
Foster Care Specialist
Foster Care Services Section

PMB:br
Enc.



file pb.

STATE OF KANSAS

JOHN CARLIN, GOVERNOR

STATE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

SOCIAL SERVICES

ROBERT C. HARDER, SECRETARY

2700 WEST 8TH STREET
TOPEKA, KANSAS 66606
(913) 296-3284
KANS-A-N 361-3284

August 25, 1981

Ms. Patsy Paulus
Administrative Assistant
Franklin County Children Services
1951 Gantz Road
Grove City, Ohio 43123

Attention: Michael L. Brown

Dear Ms. Paulus:

Your letter of August 18, 1981 concerning adoptive records is acknowledged. The last legislation concerning Kansas adoption records was passed in 1951. The legislation gave the adult adoptee the right to a copy of the original birth certificate. Attached are copies of the adoption statute, manual material, and our agency's position statement.

You will note that this agency support the sharing of information with adult adoptees and facilitate reunions among consenting family members. We have gone on record as supporting the federal legislation and would be opposed to any effort to "close" records.

The Kansas department began adoptive placement in the 1930's and for 20 years, placed older children. As there was no thought that the children would conceal their original names or situations, our staff was honest with adoptive parents in sharing the child's name and circumstances leading to placement. Staff did not release the name or address of the genetic family. In the 1950's, the department began placing infants, but maintained the same procedures as we did for older children.

To our knowledge there have been no serious negative problems. No law suits have been filed and there has been no interest by the citizens to be more restrictive. All adoption agencies in the state have families waiting to adopt. The Department of Health and Environment maintains records on legal abortions. The women having abortions report a variety of reasons for the procedure; however, open records have never been cited as a reason.

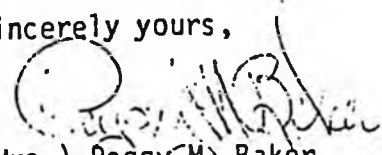
Ms. Patsy Paulus

-2-

August 25, 1960.

The only agency I am aware of doing research on the long range effect of open records is Vista Del Mar in California. They may be able to assist. We would be interested in your findings and recommendations.

Sincerely yours,



(Mrs.) Peggy M. Baker
Deputy Compact Administrator
Foster Care Services Section
Division of Children & Youth

PMB:br
Att.

P R E L I M I N A R Y
M I N U T E S

SPECIAL COMMITTEE ON JUDICIARY

August 8 and 9, 1983

Room 519-S -- Statehouse

Members Present

Senator Elwaine Fomeroy, Chairman
Representative Joe Knopp
Senator Nancy Parrish
Senator Paul Feleciano
Senator Wint Winter, Jr.
Representative Frank Buehler
Representative Vic Miller
Representative Marvin Barkis
Representative Dale Sprague

Staff Present

Mark Burghart, Kansas Legislative Research Department
Mike Heim, Kansas Legislative Research Department
Mary Torrence, Revisor of Statutes Office

Others Present

Judge Herbert Walton, Family Law Advisory Committee of the Kansas Judicial Council
Randy Hearrell, Kansas Judicial Council
Susan Foglesong, Concerned United Birthparents
Nancy Smith, Concerned United Birthparents
June Tanner, Kansas City Adult Adoptee Organization
Paula Gramlich, Kansas City Adult Adoptee Organization
Judy Comstock, Topeka Adoptive Family Group
Linda Woody, National Organization for Women
Nancy Schenck, Adult Adoptee
Carolyn Sage, Topeka Adoptive Family Group
Rosemary Kurtz, Topeka Adoptive Family Group
Barbara Stogel, Department of Social and Rehabilitation Services
Sharon Knowles, National Committee for Adoption
Jo Knowles, National Committee for Adoption
Mrs. Glen Silvers, Adoptive Parent
David Comstock, Topeka Adoptive Family Group
Pat Rich, National Committee for Adoption
Jan Waide, Department of Social and Rehabilitation Services
Roger Horsky, Leavenworth Attorney
Thad Nugent, Johnson County Attorney
Roberta Sue Hawver, Topeka Attorney
Kathleen Sebelius, Kansas Trial Lawyers Association
Barb Reinert, Kansas Women's Political Caucus
Andy Kenkel, Kansas Children's Service League
Donna Curry, Ottawa Adoptive Parent
Bill Curry, Ottawa Adoptive Parent
Susan Lovett, Wichita Adult Adoptees
Donald Pearson, Lutheran Social Services
Jan VanPatten, Lutheran Social Services
Irv Franzen, Department of Health and Environment
Kit Lambertz, Department of Social and Rehabilitation Services

August 9, 1983
Morning Session

Proposal No. 27 -- Uniform Parentage Act

Judge Herbert Walton of the 10th Judicial District, and a member of the Family Law Advisory Committee of the Kansas Judicial Council endorsed the proposed Kansas Parentage Act. He suggested the proposed act be amended in Section 6 to give putative fathers the right to bring a paternity action within five years of the birth of the child to address the issue raised by the recent Carty case that noted a putative father under current law has no right to bring an action if the mother denies his paternity.

Judge Walton noted the Family Law Advisory Committee had been directed by the Kansas Judicial Council to reconsider the surrogate mother issue. He said the Committee had a meeting scheduled in August and will consider the issue further at other meetings. He said the Committee's concerns were to protect the life and health of the fetus and to prevent selling children.

On the issue of establishing an adoption registry (Proposal No. 31), he said the proposal appeared to have merit.

Proposal No. 31 -- Adoption Registry

Susan Foglesong of Concerned United Birthparents, said the goal of her organization was to reunite birthparents with their children they put up for adoption. A copy of her statement is attached and explanations of the various adoption registry systems (see Attachment I). Her testimony includes a list of the states which have an adoption registry.

She suggested that an adoption registry, if established, should be governed by an advisory board. She said an essential function of a registry should be to educate parties seeking reunions as to what to expect. She noted that since Kansas has open birth certificate records for adoptees reaching the age of majority, there is not as strong a need for the registry.

Nancy Smith, a birthmother and an adoptee, said Kansas should leave its adoption records open. She said children have the right to know their medical records. She said a birth father should not have any veto power over an adoptee contacting both birthparents. A Committee member suggested that perhaps all adoptees should be told they are adopted and be given access to their heritage. Mrs. Smith said her birth records are in Missouri and are closed. She said she has been asked repeatedly about her nationality and heritage but is unable to respond since she has no way of knowing since this information is closed to her. She said she would not feel comfortable with the state acting as a contact intermediary for potential reunions between birthparents and adoptees. She noted she gave her son up for adoption at the end of a brief marriage when she was younger.

Paula Gramlich, an adoptee, said she had been searching for her birthparents for the past year. She said a person was needed to act as an intermediary before direct contact is made between an adoptee and their birthparents.

June Tanner, an adoptee, said she found her birthparents in 1979. She said an adoption registry should be open to siblings and contain information also about them.

The Committee recessed for lunch at 12:00 noon.

Afternoon Session

June Tanner continued her testimony. She said she had acted as an intermediary for 350 parties and only three birthparents had refused to see their natural children. In response to a question, she said Kansas law was great the way it is. She briefly described the function of an international adoption registry located in Carson City, Nevada.

Judy Comstock, representing the Topeka Adoptive Family Group distributed a registration form for the International Soundex Reunion Registry located in Carson City (see Attachment II). A copy of her remarks are also attached (see Attachment III). She said she had no objection to establishing a registry as long as the open adoption records law of Kansas is in no way changed.


Nancy Schenck, a Topeka adoptee, said she decided to try and find her biological parents in 1975. She was successful in a short amount of time. She expressed pride in

the current Kansas law on this subject. She became interested in finding out about her background through her teaching eighth grade social studies and stressing to her students the importance of recognizing different cultural and social backgrounds. She said it was imperative to leave the Kansas law as it is. She said more public awareness is needed of what groups are available to help persons in this situation with their searches.

Patricia Rich of Shawnee Mission, representing the National Committee for Adoption, said Kansas should establish an adoption registry and close adoption records which indicate the names of the birthparents and adoptees except for those parties who have agreed to share this information through the registry. She said reunions which have not been consented to by both parties can be traumatic and detrimental. She suggested the open records may cause some women to opt for an abortion rather than give birth and relinquish the child for adoption. She recommended the minimum age for an adoptee to be able to agree to be contacted by their birthparents, should be 21 years old. She said 11 states have an adoption registry. When asked, she said an open records system plus the adoption registry may be a better system than the current Kansas situation. Mrs. Rich is an adoptive parent of two girls.

Sharon Knowles of El Dorado also representing the National Committee for Adoption supported an adoption registry and closed adoption records. She noted her birth father had contacted her without her consent several years ago. She said the contact had been traumatic and disruptive. She said every adoptee should have the right to know their medical background. She said the registry would allow a mechanism to provide updated information. She noted her birthmother had a friend take down the car license tag number of the family that had adopted her child. Her birthmother then had subscribed to the El Dorado newspaper to keep track of her daughter. A copy of her statement and other materials she distributed are attached (see Attachment IV). She said she would prefer a registry with closed records but would support a registry with open records as a less preferable alternative.

August 9, 1983
Morning Session



The Committee was called to order by Senator Pomeroy, Chairman at 9:10 a.m.

Irvin Franzen of the Office of Vital Statistics of the Department of Health and Environment said his office establishes about 2,800 new birth certificates for adoptees each year. He said about 165 requests for original birth certificates are received each year. He estimated a registry would require the hiring of an added clerk. He said his Department was neutral on whether a registry should be established. Mr. Franzen said his office would be willing to provide information about different search and support groups if these groups would provide this information for distribution. For a copy of the materials Mr. Franzen left with the Committee, see Attachment V.

Jan Waide from the Department of Social and Rehabilitation Services (SRS) said SRS was proud of its record of helping people in the adoption area. SRS and its predecessor agencies have been keeping adoption records since 1936. She said adoption records are not completely open since court records of the adoption cannot be open without a court order. She said SRS, however, can release genetic, medical, and social history information. She said SRS could not release identifying information about adoptees who are minors unless their adoptive parents agree. She said SRS does not notify adoptees when they reach the age of majority that information about their background may be made available to them.

Ms. Waide noted releasing mothers are now told that their children have the right to see their original birth certificates when they reach 18 years of age. She noted SRS acts as an intermediary when persons involved in the adoption i.e., birthparents, adoptive parents, or adoptees want to contact one another.

She said it would be a tragedy to have a closed registry system. She noted that as of July 1, 1983, SRS was no longer keeping records of nonagency adoptions. Persons desiring information on nonagency adoptions will now have to go to the courts ordering the adoption for this information. She suggested the law be changed to require courts to forward adoption records to SRS.

Ms. Waide said SRS received 196 requests for adoption record information during the last fiscal year. She said 75 percent of those seeking information indicate they do not want personal contact. She estimated an adoption registry would require an added clerk plus an added professional staff person to operate the registry. She noted the

bulk of adoptions are stepparent adoptions. In response to a question, she said open records in Kansas has never been given as a reason for a woman to obtain an abortion. For a copy of the materials, Ms. Waide left with the Committee, see Attachment VI.

Donald Pearson of Lutheran Social Services of Wichita said he did not see the need for an adoption registry in Kansas. In response to a question, he said he was not aware of any woman who had opted for an abortion rather than put a child up for adoption due to Kansas open adoption records. He noted the trend was more openness in regard to adoptions. In Texas, a sister agency permits adoptive parents to be in the delivery room with the birthmother in some instances (see Attachment VII).

Susan Lovett, of the Wichita Adult Adoptees organization, opposed the concept of an adoption registry if records would be closed. She said birthparents should be given access to birth certificates so they could identify their children (see Attachment VIII).

Ms. Waide said a distinction should be made between those birthparents who had their parental rights severed involuntarily and those who voluntarily relinquished their children.

Proposal No. 29 -- Visitation Rights of Unwed Fathers

Mr. Roger Horsky, Leavenworth attorney who represented an unwed father in the case of Carty v. Martin, 233 Kan. 7 (1983) said visitation rights of unwed fathers should be limited. He said the best interests of the child should be the main concern and visitation should only be granted after an indepth study is conducted on the potential impact of the visitation. He said that in situations where the mother of the child is married, granting visitation to another man would only be asking for problems. He supported the proposed Kansas Parentage Act noting it allowed a judge to grant visitation rights to unwed fathers.

Thad Nugent, an attorney from Johnson County, appeared representing the Kansas Trial Lawyers and the Family Life Committee of the Kansas Catholic Conference. Representing the Kansas Trial Lawyers, he endorsed the proposed Kansas Parentage Act. He said the proposed act would solve many of the problems posed in the study of visitation rights of unwed fathers. He opposed any effort to close adoption records.

Speaking on behalf of the Kansas Catholic Conference, he opposed the surrogate mother process. He said surrogate motherhood diminished the importance of conjugal sexual intercourse and childbirth within the context of the family unit. He said the process dehumanized the birth process and treated children as products to buy and sell. He referred the Committee to the latest issue of the Family Law Quarterly, published by the American Bar Association which contained an article dealing with in vitro fertilization, embryo transfer, surrogate mothers and other related topics. He said the surrogate motherhood topic at the very least should be a subject of a major and thorough study. He said the proposed bill i.e., S.B. 361 fails to deal with far too many legal questions. He said legislation at this time would do a serious disservice to the state.

Proposal No. 32 - County Home Rule

The Committee reviewed the proposed final report on Proposal No. 32.

Representative Miller made a motion to strike the word "strongly" on page 5 and the words "feels for the most part" and insert in lieu thereof the word "believes." Senator Parrish seconded the motion and it carried.

Representative Buehler made a motion to adopt the report as amended which Representative Knopp seconded. The motion carried.

Representative Miller made a motion to approve the June 29 minutes which was seconded by Representative Barkis. The motion carried.

Representative Miller made a motion to approve the July 7 and 8 minutes which Representative Knopp seconded. The motion carried.

The Committee then adjourned.

Prepared by Mike Helm and Mark Burghart

Approved by Committee on:

COMMITTEE REPORT

TO: Legislative Coordinating Council
FROM: Special Committee on Judiciary
RE: PROPOSAL NO. 31 — ADOPTION REGISTRY*

*Concl. on
p. 7*

Proposal No. 31 directed the Special Committee on Judiciary to determine the feasibility of creating a voluntary adoption registry in Kansas. A voluntary registry would facilitate voluntary contacts between adult adoptees, birthparents and relatives of deceased adoptees and birthparents by allowing the names and current addresses of the parties in interest to be maintained in a registry.

Background

The request for the interim study of the adoption registry concept was made on behalf of a representative of the National Committee for Adoption. The National Committee for Adoption, a membership organization comprised of individuals, families and agencies, is working to encourage states to enact mutual consent, voluntary adoption registries as the most prudent way to provide access to identifying information to adult adopted persons and biological parents. The organization has devised model state legislation which is designed to provide a sensitive legal way for both biological parents and an adult adoptee to voluntarily register their willingness to waive their confidentiality. States which have implemented some form of voluntary registry include: California, Colorado, Florida, Louisiana, Maine, Michigan, Nebraska, Nevada, and Texas.

* _____ Bill No. _____ accompanies this report.

Existing Confidentiality Statutes

Before the Committee could determine whether the state should implement some form of adoption registry, it was first necessary to determine the extent to which such a registry would alter existing Kansas law. It would appear that three different state agencies handle the various records associated with an adoption proceeding. Moreover, the standards for releasing such information varies with the particular agency involved. Those agencies maintaining adoption records include the registrar of vital statistics, where the original and supplemental birth certificates are filed; the district court, where the records of the actual adoption proceedings are kept; and the Department of Social and Rehabilitation Services (SRS) which maintains records of home studies conducted in adoption cases and records of adoptions of children relinquished to SRS or in the custody of SRS after termination of parental rights.

Registrar of Vital Statistics. Present law permits disclosure of an adoptee's original birth certificate only to the adoptee and only when the adoptee is an adult. This requirement first became a part of Kansas law in 1943. Prior to that time, there was no direct limitation on the disclosure of birth certificates in adoption cases.

State District Court. K.S.A. 1982 Supp. 59-212 requires that a separate appearance docket, closed to the public, be maintained in adoption cases.

K.S.A. 59-2279 allows disclosure of court files relating to adoptions only on order of the court to the "parties in interest" and their attorneys and to SRS personnel. There may be some question as to the individuals who would be included as a party in interest. One district court judge believes that such language would entitle an 18-year-old adoptee to such

court records. Furthermore, birthparents might also be construed to be parties in interest and thus be allowed access to the closed court records.

SRS Records of Adoption. K.S.A. 39-7096 provides records of the Department of Social and Rehabilitation Services are confidential if they concern an applicant for or a recipient of assistance. These records are open to the applicant or recipient in accordance with SRS rules and regulations.

The implementation of a registry as proposed by the National Committee for Adoption would alter existing Kansas law by restricting access to any identifying adoption information unless both the adult adoptee and birthparents waive their confidentiality.

1983 Legislation

H.B. 2099 made certain amendments relating to adoption investigations which directly impacted on the record keeping function of the Department of Social and Rehabilitation Services. The bill deleted the requirement that the Secretary of Social and Rehabilitation Services be given notice of certain adoption petitions and authorized the court to require the petitioner to obtain an assessment of the advisability of the adoption by a licensed social worker designated by the court. The bill authorized the court to use the Department of Social and Rehabilitation Services to make a social assessment and report to the court in adoption cases only if there is no licensed social worker available to make the assessment. The costs of any such assessment could then be assessed as court costs.

The effect of this bill is to provide that there shall be no central repository for adoption information. Rather, such information would be maintained in the district court clerk's offices spread throughout the state.

Committee Activity

The Committee received testimony from interested persons on one day and devoted a portion of two other days to Committee discussion and review of bill drafts on the proposal. The Committee also was made aware of certain correspondence which had been received by the Committee Chairman. Fifteen of the letters received were in support of the registry concept while 101 opposed the concept. Two letters were in support of the registry, but only if the open records policy was continued for adult adoptees.

Additionally, the Committee reviewed the model adoption registry legislation proposed by the National Committee for Adoption as well as the statutes of other states which have created voluntary adoption registries. The Committee also reviewed suggested amendments offered by the Kansas Adoption Planning Team.

Those individuals testifying before the Committee included: Susan Foglesong, Concerned United Birthparents; Nancy Smith, adult adoptee; Paula Gramlich, adult adoptee; June Tanner, adult adoptee; Judy Comstock, Topeka Adoptive Family Group; Nancy Schenck, adult adoptee; Donald Pearson, Lutheran Social Services; Susan Lovett, Wichita Adult Adoptees; Patricia Rich, National Committee for Adoption; Sharon Knowles, National Committee for Adoption; Irvin Franzen, Department of Health and Environment; Jan Waide, Department of Social and Rehabilitation Services; and Andy Kenkel, Kansas Childrens Service League, speaking on behalf of the Kansas Adoption Planning Team.

Testimony of Conferees

Patricia Rich and Sharon Knowles, National Committee for Adoption, spoke in support of the registry concept. Both urged that Kansas establish an adoption registry which would close those adoption records containing the names of the birthparents and adoptees, except in those instances where the parties have agreed to share this information through the registry. They stated that reunions between birthparents and adoptees can be traumatic and detrimental to both parties if the reunion has not been mutually agreed upon in advance.

Mrs. Knowles related her personal experience when her natural father contacted her without her consent. That contact, however, did not result from the operation of any specific Kansas law, but rather because the biological mother had learned of the location of the adoptee by tracing the automobile license number of the adoptive parents. She noted that the contact had been traumatic and disruptive. As a final matter, Mrs. Knowles observed that the registry would be a mechanism to provide updated medical information on both the birthparents and the adoptee.

Those conferees who opposed the registry concept believed that Kansas should maintain its open records policy for adult adoptees. These individuals noted that adopted children should have the opportunity to discover the identity of their biological parents if they so desire. The creation of a registry would modify this long-standing policy by requiring the natural parents' consent to the release of identifying information before the adult adoptee could have access to such information.

Several conferees explained that organizations such as Concerned United Birthparents, Wichita Adult Adoptees and the Topeka Adoptive Family Group assist in arranging reunions between birthparents and adoptees. In addition to the actual search assistance, such groups also provide much needed counseling and support services to the individuals attempting a reunion.

Irvin Franzen, Office of Vital Statistics, Department of Health and Environment, stated that the Department has a neutral position on the creation of a registry. He pointed out that his office receives requests for roughly 165 original birth certificates per year from adult adoptees. Mr. Franzen also stated that his office would be willing to provide information about different search and support groups if these groups would supply this information for distribution.

Finally, Jan Waide, SRS, explained that the Department presently releases nonidentifying genetic, medical and social history information. However, identifying information about adoptees may be released only if the adoptive parents agree. She noted that SRS serves as an intermediary when persons involved in the adoption wish to contact one another.

Mrs. Waide indicated that as of July 1, 1983, SRS was no longer required to maintain records of nonagency adoptions. This change was brought about by the enactment of 1983 H.B. 2099 which generally provided that SRS would no longer conduct home studies in adoption cases or be informed of adoption proceedings as had been the case under prior law. She suggested that the law be amended to require courts to forward adoption records to SRS.

* Committee Conclusions and
Recommendations

~~After reviewing the comments of interested persons, the~~
~~Committee concluded that it is not desirable to implement a~~
~~permanent adoption registry at this time. Rather, the Com-~~
~~mittee believes that the state should continue to maintain the~~
~~current open records policy for adult adoptees.~~ In making this decision, the Committee noted that the specific personal situations cited by conferees supporting the creation of a registry would have occurred even if there had been a registry in existence. Furthermore, an adoption registry in all likelihood would not prevent such cases from arising in the future. It was the Committee's belief that if an adult adoptee was intent on locating the adoptee's natural parents, there was very little that could be done legislatively to prevent the adoptee from doing so.

The Committee further believes that there should be a central repository for adoption records. Consequently, the Committee recommends that the 1984 Legislature enact legislation which would rescind the action of the 1983 Legislature when it passed 1983 H.B. 2099. The effect of this action would be to reinstate the requirement that SRS be notified of private adoption petitions and would require that home studies be conducted in all adoption cases with the exception of stepparent adoptions. In this manner, SRS would again become the central repository for adoption information.

~~Additionally, the Committee recommends that more~~
~~detailed genetic and medical information concerning the~~
~~adoptee and biological parents be required to be filed at the~~
~~time of the adoption. The Committee also requests that the~~
~~Board of Registration and Health Statistics of the Depart-~~
~~ment of Health and Environment provide information about~~
~~groups which assist adult adoptees and natural parents seeking~~

The Committee's recommendations are incorporated in

Bill _____.

Respectfully submitted,

_____, 1983

Sen. Elwaine Pomeroy,
Chairperson
Special Committee on Judiciary

316-357-0311

Rep. Joe Knopp,
Vice-Chairperson
Sen. Paul Burke
Sen. Paul Feleciano
Sen. Nancy Parrish
Sen. Wint Winter, Jr.

Rep. Marvin Barkis
Rep. Frank Buehler
Rep. Vic Miller
Rep. Dale Sprague