

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bruce D. Crippen, on January 17,
1989, at 10:00 a.m.

ROLL CALL

Members Present: Chairman Bruce D. Crippen, Vice Chairman
Al Bishop, Senators Tom Beck, Mike Halligan, Bob Brown,
Joe Mazurek, Loren Jenkins, R. J. "Dick" Pinsoneault,
John Harp and Bill Yellowtail.

Members Excused: None.

Members Absent: None.

Staff Present: Staff Attorney Valencia Lane and Committee
Secretary Rosemary Jacoby

HEARING ON SENATE BILL 92

Presentation and Opening Statement by Sponsor: Senator
Darryl Meyer of Great Falls, representing District 17,
said the purpose of the bill is to allow adopted
persons to have access to birth records on demand after
the age of 18. He said the change in statute would
occur in Section 9 on page 8 of the bill on lines 21
and 22.

List of Testifying Proponents and What Group they Represent:

Ginni Snodgrass, representing A.L.A.R.M. Network,
Advocating Legislation for Adoption Reform
Movement

Albert Vandenburg, representing himself
Mrs. Albert Vandenburg, representing herself
Jo Glass, representing A.L.A.R.M. Network

List of Testifying Opponents and What Group They Represent:

Senator Tom Hager, representing himself
Bill Driscoll, Montana Interagency Adoption Council
Marilyn McKibben, Catholic Social Services
Betsy Stimatz, Montana Post Adoption Center
Gary Forsyth, LDS Social Services

Testimony:

Ginni Snodgrass read written testimony into the record. She distributed copies of her testimony and a booklet she authored entitled: "Yes, But...". For her testimony, see Exhibit 1.

Albert Vandenburg, an adoptive parent, presented written testimony to the committee. See Exhibit 2.

Mrs. Albert Vandenburg, an adoptive parent, presented written testimony to the committee. See Exhibit 3.

Jo Glass read written testimony into the record. See Exhibit 4. She urged the committee to pass the bill because she felt it was very important to give the children an opportunity to know their natural parents.

Senator Tom Hager of Billings, District #40, said he is the adoptive parent of two children and has been a foster parent to 10 newborns. He stated that his wife has served in an adoption agency for 20 years. He said he appeared as an opponent only because of the present state of the bill, and had asked Valencia Lane, the staff attorney, to work with him on amendments for the bill. He wanted the amendment to stipulate that, if an adopted person wants to find their natural mother or biological father, he or she would fill out a request which would be submitted to the parent. She/he could either say yes or no. If the parent agreed, then the two would be reunited. But, in some cases, the natural mother would object and he felt she should have that right.

Bill Driscoll read written testimony into the record. See Exhibit 5. He opposed the bill because of the right of privacy issue for natural parents. He also commented on testimony given by Ginni Snodgrass in which she stated that birth mothers had signed adoption agreements while still under anesthesia. He said that did not happen in the Montana Adoption Council agencies. He said there is much counselling for both the natural and adoptive parents.

Marilyn McKibben said she had been involved for 12 years in agency "searches" for natural parents. She said her agency does their very best to find the people. In some cases, many years has passed, and the searches are very time consuming and costly. In the past, there was no charge; but now that there are so many requests, a fee of \$100 is charged. However, if a person cannot afford to pay the fee, no charge is made.

If the natural mother desires no contact with the child, McKibben urged the secret be kept because the husband and/or later children may not have been informed about the earlier pregnancy. She also felt the telling of the mother about the desired contact should be done in a private, thoughtful manner.

Betsy Stimatz read written testimony into the record. See Exhibit 6.

Gary Forsyth submitted a letter to the committee expressing his agency's opposition to the bill. See Exhibit 7.

Questions From Committee Members: Senator Jenkins said he remembered from a phone conversation that Mrs. Vandenburg wanted to be sure that there would be a built-in protection for natural parents regarding privacy, but still wanted some possibility of an adopted child contacting a natural parent. Mrs. Vandenburg said the agency through which she adopted a child told them they could not make contact. She and her husband were later told that wasn't true. The natural mother had contacted the agency in addition, but the agency told the Vandenburgs she hadn't. She was very unhappy with the Lutheran agency who had handled their child's adoption. Finally, the daughter had requested help from her pastor and, with his help did make contact.

Senator Jenkins asked if Ms. Snodgrass was aware of the stipulations of the Minnesota law, which provide the right of the child to go to court if the natural parent turns down the request of contact. He said there was protection for the natural parent's privacy. Ms. Snodgrass felt it wasn't "privacy" but was "secrecy." She said that often the natural parent was shocked, but when talking with the child, often warmed up and became interested in being reunited.

Senator Mazurek said he had problems with some of Ms. Snodgrass's testimony i.e. signing adoption agreements under anesthesia. But, because of her experience, he asked her if she knew how many states allowed access to birth records upon demand. She answered Idaho, Alaska, Alabama were among 10 states that allow access without a middleman. Several require a middleman, she stated, and several states have a registry. She said the registries do not work. She said she had documented information of natural mothers signing under anesthesia, she stated. Senator Mazurek said he had

quite a bit of experience with adoptions and, in this state mothers do not sign until they are released from the hospital. Ms. Snodgras said the agencies want to protect themselves.

Senator Pinsoneault asked Ms. Snodgrass if the natural parent does not want contact, should the child at 18 still be given access. Ms. Snodgrass said yes, if a person can vote and go to war, they should be able to get their birth records. She said if there is access at all, thought the age of 18 was a good choice.

Senator Crippen asked at what age would a court authorize release of these records. Mr. Driscoll said it would depend upon the judge. Some judges allow it and others are much more careful he added. Here in Helena, the judges are likely to keep the records secret. The decision varies from judge to judge, he said.

Sen. Crippen said, in your testimony, Mr. Driscoll had referred to the right to privacy being provided for by the Montana Constitution. Senator Crippen asked if Mr. Driscoll was aware of any cases being decided unconstitutional. Mr. Driscoll said privacy had been imposed in many instances he knew surrounding termination of parental rights. In addition the common right of privacy might apply, he stated. Civil rights cases, under federal civil rights laws, could be filed against the agency and the agency could say they were agents of the state under this legislation as drafted.

Senator Crippen asked if an child who was not adopted would have any problem obtaining a birth certificate and Mr. Driscoll said no. Senator Crippen asked if there wasn't discrimination toward an adopted child in that case. Mr. Driscoll said the records of adopted children are in a protected class because many birth parents insist on the right to privacy.

Senator Brown asked how a search by an adoptee could be dealt with. Mr. Driscoll said he didn't know. Senator Brown asked what percentage of natural parent searches were successful. Marilyn McKibben said it might require writing everyone in the state with the same last name, but that they had been extremely successful in their searches. Adoptees can be very insistent, she stated, and will not let the subject drop. Through other agencies, associations and state records, natural parents are often discovered, she said.

Senator Mazurek said there seemed to be a common recognition that adoptees have a right to search and natural parents have a right to privacy. He asked what seemed to be the problem with the current system. Mr. Vandenburg said that some social services would not give information to an adoptee. He had no success in getting information from the Lutheran Social Services who had all the information he needed to find his adopted daughter's birth mother, but that they wouldn't give it to her or to him. He knew of persons being successful working with the Catholic Social Service and felt there was an inconsistency. He said that Montana law won't allow getting the birth certificate unless the adoptee goes to a judge and shows "good cause." Senator Mazurek agreed judges need guidance in this area but disagreed that all 18-year-old adoptees should have access upon demand.

Closing by Sponsor: Senator Meyer said there is a problem in this area and he hoped the bill would help adoptees to locate their parents. He said it was costly to go through the courts and lawyers, and he hoped this would free up sealed files. He closed the hearing.

Senator Crippen announced that no action would be taken on the bill until an opportunity had been given the committee for further study. He also announced that the committee was waiting for a fiscal note for SB 10 and that there would be a hearing on Monday, January 23, for Senate Bill 164, Senator Rasmussen's bill on parent notification for abortion.

ADJOURNMENT

Adjournment At: 11:00 a.m.



Senator Bruce D. Crippen, Chairman

BDC:/rj
Minrj.117

ROLL CALL

JUDICIARY

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 1-17-89

NAME	PRESENT	ABSENT	EXCUSED
SENATOR CRIPPEN	✓		
SENATOR BECK	✓		
SENATOR BISHOP	✓		
SENATOR BROWN	✓		
SENATOR HALLIGAN	✓		
SENATOR HARP	✓		
SENATOR JENKINS	✓		
SENATOR MAZUREK	✓		
SENATOR PINSONEAULT	✓		
SENATOR YELLOWTAIL	✓		

Each day attach to minutes.

SENATE JUDICIARY

EXHIBIT NO. 1, P. 1
DATE 1-14-89
BILL NO. SB 92

WRITTEN TESTIMONY MONTANA SENATE COMMITTEE ON JUDICIARY

JANUARY 17, 1989

"ACCESS TO RECORDS"

GINNI D. SNODGRASS, Northwest United States Chair
A.L.A.R.M. Network, Inc.
Advocating Legislation for Adoption Reform Movement, Inc.
Adoption Reform Advocates

Good morning senators:

I am Ginni Snodgrass, an Adoption Reform Advocate, and lay counselor. I am the Northwest United States Chair of the A.L.A.R.M. Network, Inc., Advocating Legislation for Adoption Reform Movement. The Founding Director of The G*S Foundation, Inc., for Generations Secured, an emotional support/research group. I am on the National Advisory Council of Adoptive Parents (of youngsters and adults) For Open Records, a member of the American Adoption Congress. I am an adult adoptee, reconciled with my birth family and the author of "YES...BUT-."

ALARM, is a National organization with individual State Chapters, representing Adoptees, Adoptive parents, Birth parents and other people involved in adoption.

I have been asked to come here today by some of your constituents to advise you of the hidden truths in the adoption experience. The experience is so personally intense many of those involved have a difficult time expressing their feelings, *and many adoptees fear being judged disloyal and ungrateful.*

A great deal of what I say will not be appreciated by all. What I say this morning can be equated with killing the "American Sacred Cow."

Society does not
~~Most people don't~~ want to wake-up and discover an "American Institution" has been contrived in falsehoods, ~~with such things as "the best interest of the child," and "psychological parent."~~ Society has been indoctrinated with misinformation as to what truly happens to those in the adoption triangle. ~~What society believes to be true, is false.~~

The whole system of adoption needs dramatic change. The one bill you are considering here today, is one small part of the rectification necessary.

In order to conserve time ~~today~~ I will briefly hit on some of the difficulties in the system of adoption. I will supply substantiating documentation to my testimony. I do not make statements lightly, or exaggerate, it is not necessary.

Some of the things I say will offend the opposition. I do not do this deliberately, ~~however, if the shoe fits, so be it. If not, then they have nothing to say. But the truth must be spoken.~~

The first item which needs to be openly examined is where the lines are drawn on the issue. Who are the proponents, and who are the opponents?

For the most part, the people who are in favor of "Access to Records" are the birth parents and adoptees. Our groups are just about 50% birth parents, 50% adoptees, mostly birth mothers, and women adoptees. The men adoptees seem to be very angry at their birth mothers, you will hear things like, "She didn't want me then, why would I want her now?" ~~There~~ There are some adoptive parents, and other family members. We actually feel ~~that~~ access to records should be extended to include the birth parents, *and adoptive parents.*

Those in opposition, by a large majority, are adoptive parents, and adopting agents, attorneys, and social workers. There are very few adoptees and birth parents amongst their membership. ←

It is my understanding that the very reason why the records were sealed in Montana, at the late date of 1975, when other states were considering access, was due to an adoptive parent, who was a legislator at the time. This legislator has continued to work hard to keep his children from knowing their birth history. He does not have the right to deny his children their history, once they attain majority, let alone all those in Montana, for his own personal ~~satisfaction.~~ *beliefs*

Those in opposition to access to records say they are protecting the birth parents, and adoptees. It should make you wonder of their true motives when it is the birth parents, and adoptees who are saying *we* want access to records.

In considering this issue you should consider the source of society's beliefs. In almost any other issue you would question the motives of those promoting a system which results with such devastation in people's lives. There is overwhelming evidence of this devastation, but most of the information is ignored, discounted, or unknown.

These people in their bail bonds, no secured money, our largest group the AAC, has a few thousand a year total budget. I personally paid my own way to be here.

Society's attitudes towards adoption must be changed.

It is difficult for adoptees to put themselves into a group of people which have so many have difficulties. If I do not do this however, our desires for change are likely to be trivialized.

"The adoptive home is not the ideal home, just like, but better than, the home with children born into it!"

FACT - many adoptees are just fine, but a disproportionate number are not. The adoption system needs to be totally revised.

Keeping in mind that adoptees are 2% of the population.—The statistics here are for new born/infant adoptions. Are you aware that:

18% to 33% of the adolescents in residential treatment centers are adopted. That means adoptees have 9 to 16 times the chances of psychological difficulties.

It is estimated 50% of the people in one Oregon alcohol/drug treatment center are adopted. That is 25 times the norm.

17% of the mass/serial killers, whose social status is known, are adopted. Son of Sam, the Hillside Strangler, the Shoemaker, to name a few. That is 8 times the norm.

50% of 75 teenagers, a local adoption agency was going to study, a few years ago, were found at places other than at home with their parents.

17% of the incest victims in a Canadian rape crisis center were adopted. That is 8 times the norm.

An Oregon Juvenile Court Administrator estimates a large percentage of the children he sees in trouble are adopted.

Adoptees have 3 times the criminal conviction rate.

Female adoptees are disproportionately represented amongst surrogate mothers.

Adoptees have an obsession with NOT reproducing themselves, which shows plainly in:

Their high rate of homosexuality.

Their high incidence of infertile marriage.

Their astonishing tendency to surrender their children for adoption.

Their tendency to adopt children themselves.

Female adoptees are noted for a high incidence of promiscuous sexuality.

Some of the lesser difficulties are:

Repressed feelings; overly sensitive feelings; involvement in emotionally abusive relationships; a sense of not belonging any where; a sense of inferiority; success/failure cycle; craves approval/acceptance; lack of free will/self will; perfectionism; compulsive habits - food, alcohol, drugs, spending; loner, yet fears to be alone; agoraphobic; fear of choking/strangulation/drowning; impulsive in decisions; fear confrontations; need immediate rewards/gratification.

~~The~~ The professionals will try and pass off the difficulties as coming from the older child - special needs adoptions. They will tell you of all the studies of thriving, healthy, happy babies, toddlers, and pre-schoolers. Almost any child will do well with good food and cuddling. Things seem to be great in the early years. It isn't until later that the difficulties begin. They won't tell you what happens later as children begin to individualize, and develop their own self-identity.

The opposition also likes to brag about our adopted Olympic champions, as if these people would not have been Olympic champions if they had not been adopted. There are discrepancies there also. If Greg Luganis was the only adoptee on America's 1988 Summer Olympic team, adoptees were under represented. For 800 athletes there should have been 16 adoptees on the team, not 1.

~~Adoptees are 8 times less likely to get into "the schools"~~

We do-do great things, it is just that the odds are against us. Just think of what we could do if the odds were with us.

I do not like saying these things any more than you like hearing them, but we ~~are~~ must be shook out of ^{our} secure little shell. We can not allow this system to continue. What you are considering ~~today~~ is a major situation. It is not just allowing us to fulfill some "mere curiosities."

~~What is described here is the results of a dysfunctional family.~~ ^{difficulties}
The adoptive family has built-in ~~dysfunction~~ through pretending, taboos, and secrecy. The adoptive parents are victims also. They were told to be this way, ~~and were, even though their own gut feelings~~ ~~are~~. They were told if they did everything right, and loved the child enough, the child would never want to know their birth parents.

We recognize that non-adopted people have these difficulties too, but it is ~~the~~ adoptees we are talking about. ~~There~~ If there is a way to help resolve a part of their problems we should try, shouldn't we?

The reunion experience does give an adoptee a new sense of self. The reunion is healing. The search process itself is healing.

Rejection ^{by the birth mother} happens in about 10% of searches, and even ^{then} there is relief. The truth is now known. And ~~most of the time~~ there are ~~many~~ other birth family members who are glad to know the adoptee.

What is the root source of ^{the} adoptee's difficulties? It is our sense of self-worth.

How can that be when one of society's favorite adoption myths is the "The Chosen Baby," ~~strong~~, "You're Special," and "Aren't You Lucky." Aren't these positives? No!

Children who grow-up special and chosen, as the opposition likes to tout, have a tough row to hoe. They are special and chosen so they must do special things. ^{It is next to impossible to live up to the expectations.} *As John F. Kennedy said "To whom much is given, much is required."*

A part of a person's self-identity, self-worth comes from how he sees himself in relationship to his parents, including his birth parents. When a person does not know their birth family they do this through fantasies, fantasies which can be nightmares.

We are fed double messages about our birth parents. On one side, we are told that she was a poor unfortunate girl, who got herself in a bad spot, and she did a loving thing by giving us away to a poor unfortunate couple who could not have children. ^{deserving}

On the other side, we are fed messages that our birth mothers, were just sluts, uncaring and self-centered.

The whole system of secrecy perpetuates this. What do we teach our children about secrets? Secrets are bad. Only bad things are secret. In any event, information which is denied, secreted, or obscured takes on special value and importance.

We are told she kept it a secret, no one knew. Our having been born ruined her life. We are told that if we were to find our birth mother, by that act alone, we would be reeking havoc in her life.

How in the world could anyone feel good about themselves with this for a background. Unfortunately, the subconscious mind believes the worse.

Recent

~~The~~ research is showing that we are more a product of genetics than we are environment. Our environment compounds our genes. ~~There is a great deal to~~ ~~genes~~. I realize this is a scary thought, and most politicians are apprehensive about acknowledging this because of Hitler, but it is fact.

When an adoptee does great things it is credited to environment, the "wonderful-wonderful" home. When an adoptee does bad things, it is bad blood.

The opposition will tell you that to allow access to records now, would mean breaking promises made with the birth parents. Not true. In your state that wouldn't have even been a consideration until 1975.

It is also not true from the birth parents perspective. They were told it had to be secret. Most did not want anonymity.

Birth mothers had papers shoved at them, when they were under anesthesia, and other medications. Many were outright lied to of the consequences of the papers they were signing, told they were something else.

Many birth mothers were told the baby died, and the papers were necessary to bury the baby. Some birth mothers did not want to surrender at all, but her parents forced her. Some were told that if they did not voluntarily surrender, they would be taken to court as unfit mothers. Twenty years ago being an unwed mother was grounds enough. *This happened to my adopted sister's birth mother.*

One of the most shocking facts is of birth mothers placing their children in temporary foster care, while they were getting on their feet. Only to discover when they went to take their baby home, ~~that~~ the baby had been adopted.

The opposition has many reasons to keep the records secret. Those in the triad will find out how many lies were told.

Many birth mothers did tell their families, and husbands of the child they surrendered or lost. ~~This came up in conversations about~~ ~~it~~ ~~when subsequent children were teenagers.~~ Other relatives of the birth mother knew of the child. ~~The birth mothers, parents have regretted forcing their daughter into surrendering her baby. Belatedly realizing she did have a bond with the child.~~

Then there is the myth that the birth mother has closed that chapter of her life. She may have tried to close that chapter, but most often it has stayed with her, and haunted her. ~~They were told to get on with their lives and forget about this.~~ When they would return to the agencies for help, they were told some thing was wrong with them. ~~A reunion can relieve her of the burden of her secrets. She has wanted to talk about it for years.~~ Adoptees are also told by the professionals there is something wrong with them for wanting to know their birth parents. Actually you should wonder why someone would not want to know more about themselves.

38%

85 to 92% of birth mothers desire to know their child, in most cases their first born, and too often the only child born to them. ~~Too many~~ suffer from secondary infertility.

Do we deny the 85% for the 15%, how absurd.

85% of searches with secret records are successful.

90% of reunions are a positive experience for all involved. And many result in a continued relationship.

What about the adoptive parents rights? What rights? The adoptive parents right to own a child? We are not discussing real estate. The adoptive parents received an adoption decree not a deed or title. ~~Do you want the adoptive parents right to keep secret information, they already have.~~

No one has title to another person. For the non-adopted person, their parents can not stop them from getting a document about themselves, even documents which involve ~~other~~ their parents, ~~once they attain majority.~~

~~My adoptive mother ^{destroyed} burned my original birth certificate, when I found it as a child, and denies ever having had it today. Now I can't find it.~~

My birth family and adoptive family knew each other very well. ~~And there are some other interesting stories. The tangled webs we weave.~~ I always knew I was adopted, I came home from the hospital at 3 days old, and it was handled by the family attorney. But - they kept all other information secret until I was 29 years old, and then still denied me specific information as to her identity, until I was 35. ~~I spent my life begging, and badgering my adoptive mother for information about my birth mother.~~

My birth mother knew where I was every day of ^{my} life, but she never imagined that my adoptive parents would keep her identity from me. She assumed because I did not contact her, I did not want her.

At what age - Isn't it too young? - Isn't it too young to vote, go to war, support themselves, start a family.

EXHIBIT NO. 1 p. 3DATE 1-17-89BILL NO. SB 92

You may fear the adoptee finding someone considered undesirable. I found my birth father in the Oregon State Prison, where he was when I was born. ~~I would not trade him for my birth father's ~~the street~~. ~~visit him often~~. We are developing a good relationship.~~

~~I also found a full blooded sister, something which is still incredible to me. ~~she~~. She was sexually molested by her adoptive father from the time she was placed in her home until she was in high school. For her to now have her birth father makes her life easier.~~

I did not search for my birth mother. I was not involved in the adoption reform movement at all, until after my reunion. I was found by my birth mother's sister, she decided enough, was enough. I will never be able to thank Aunt Gayle enough for breaking the taboo. ~~and convincing my adoptive father to pass the information ~~to me~~ ~~changed my life for the better~~.~~

There are also medical reasons for people to know their birth family. There are over three thousand (3000) genetic traits of which approximately twenty four hundred (2400) are genetic diseases, many of which may not be known about at the time of the child's birth. It is estimated 17% of illnesses are genetically related. Rarely is an adoptee able to get a court order to open their records, unless there is eminent death, and that can be too late. Adoptive parents have gone back to the agency requesting additional information, and were unable to get it. Birth parents have also tried to pass medical information ~~back to~~ ^{onto} the adoptive family, with out success.

This point is a rarity, but relevant, there are even a few instances where adoptees are denied employment opportunities and/or promotions because they can not clear security checks due to their adoptive status. We are not truly treated as if we were born into our adoptive family.

Would access to records cause more abortions? No - Surveys show women with an untimely pregnancy will choose abortion over closed adoption, because they can not live with never knowing. When given the choice of open adoption, a great many will select open adoption over abortion.

You may feel that adoptees need to be sensitive to other people's circumstances. Adoptees are generally overly sensitive to other people's feelings, after all they have been walking on eggs most of their lives. Adoptees do not go barging into their birth mother's lives reeking havoc. We are responsible citizens. In fact we will wrongly interpret hesitation from surprise as rejection and take off running. *Attached.*

The opposition concedes that the medical information is necessary. - But they want us to have ancient history. Information which is 18-30-40 yrs old. Info which was sketchily taken. Info which was often falsified. Who would adopt a baby w/ a bad history. The birth mother was probably young, & in good health, her parents were still young, & in good health. ↓

~~Written testimony cont. ~~from~~ ~~S. Stedman~~~~
Oh yes - the other half of the medical history, the birth father's. It was probably forgotten about back then too. ↑

The opposition is recognizing that the tide is turning against them. In response - they are throwing up divisions.

They now suggest - if we need reunions, we need intermediaries. This is a trick, a way to keep control over our lives, a way to keep the lies and secrets going.

Intermediaries should have been instituted in the 50s not 1989.

There are many things wrong with an intermediary system.

1) Third parties have been in the middle of the triad since the beginning. This is an intensely personal situation and you don't want outsiders involved.

2) An intermediary goes at their speed, not necessarily the speed of the person seeking.

3) The person seeking does not have the opportunity to learn of their history as the search goes on. The search is part of the healing.

4) Intermediaries from the adopting agents are biased. They have falsified records, given misleading information and many other things.

5) They have hindered as many reunions as they have helped.

6) Intermediaries cost too much money.

7) The intermediaries would not consider approaching the other family members, who would be receptive.

~~Of~~ Of the thousands of cases I know of - there has not been one report where everyone in the birth family rejected the adoptee.

8) There is much more to this than having a few questions answered. To hear a voice the same, to see a face familiar, to touch someone of the same flesh and blood.

Access to records is not giving adoptees the key to their birth mothers front door. Even with the records we are faced with a search. Adoptees do not undertake a search lightly. It requires a large commitment of time, emotions, and money.

Not all adoptees who want their records want to search, they just want their records. Those of us who have already had reunions, want our records. Even though, they no longer hold secret information.

Another myth: most of society already believes that adoptees have access to their records.

In recognition of the desires for access to records we need to look at what Jo Glass was able to accomplish. In just a few short months she collected over 750 signatures on petitions by herself. Then an adoptive mother, Elaine Vanderburg, joined her, and to date, together they have over 1500 signatures. They were told "no" no more than 25 times. *This let's you know what your voters think.*

I could go on for much longer, with a great deal of information not even ~~covered~~ *touch* here, but I have been asked to keep it brief.

In closing, remember there is a legal difference between confidentiality and secrecy. Confidentiality is restricting information to those it affects. The adoptee is the center of those affected, with out the adoptee there would be no information to have confidential. Secrecy is hiding information from every one. Our Country no longer tolerates secrecy. Our Country demands honesty.

All we are really asking of you is equality. That we be treated the same as people who are born into their family. We are being discriminated against, under the cloak of ~~the child's best interest~~ ~~we are not children.~~ *privacy.*

Just yesterday Jesse Jackson said "A person must have a sense of history to have a sense of destiny."
This concludes my portion of testimony. I will answer any questions you may have, including very personal ones. Do not be shy.

Questions/comments.

Ginni D. Snodgrass

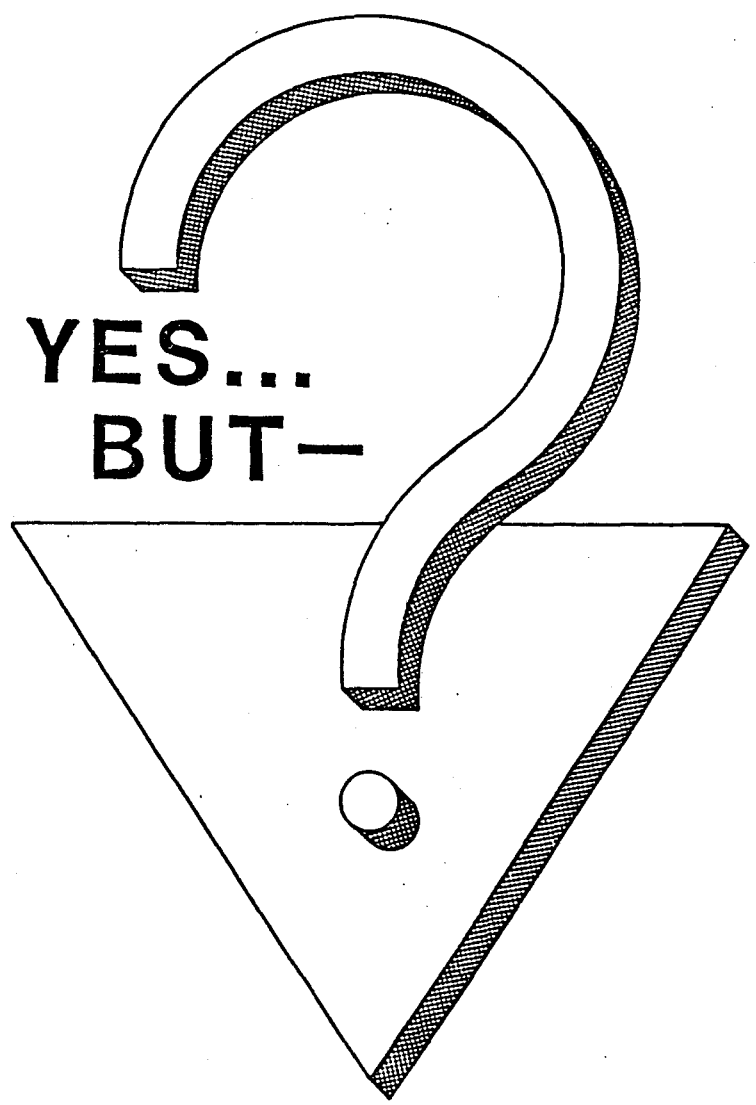
SENATE JUDICIARY

EXHIBIT NO. 1, part 2

DATE 1-17-89

BILL NO. SB 92

**YES...
BUT—**



ginni d. snodgrass

SENATE JUDICIARY

EXHIBIT NO. Addendum

A.L.A.R.M. NETWORK
GINNI D. SNODGRASS, N.W. REGION CHAIR
9203 S.W. CREE CIRCLE
TUALATIN, OREGON 97062-9046

Hearing DATE 1-17-89
BILL NO. SB92

(503) 692-5794

April 1, 1989

Senator Bruce Crippen
Senate Committee on Judiciary
State Capitol Bldg Rm 325
Helena MT

Re: SB 92

Dear Senator Crippen:

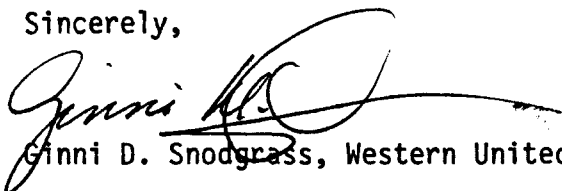
Enclosed are two references concerning a portion of my testimony which was questioned, birth mothers still under the affects of anesthesia when signing consent papers.

My apologies for taking so long to respond, but I have been swamped in work. It is my understanding the bill has been tabled. That is a real shame, this reform is desperately needed.

Also a point I am just becoming fully aware of. The Indian Child Welfare Act of 1978 [25 USC 1917] requires identifying information be given the adult adoptees.

Again, thank you for at least having a hearing on the bill.

Sincerely,



Ginni D. Snodgrass, Western United States Chair

SB 92
1-17-89

In response to a couple inquiries about AmFOR's data on BIRTHPARENTS & SEARCH, one of the many polls and studies upon which we base our composite statistic is reproduced here in its entirety, by signed permission of its editor. Many of her stats disprove the allegation that BIRTHMOTHERS WANT IMPOSED CONFIDENTIALITY!

BIRTH MOTHERS RESPOND TO NATIONWIDE POLL

PEOPLE SEARCHING NEWS WOULD LIKE TO THANK THE NEARLY 400 BIRTH MOTHERS WHO RESPONDED TO OUR NATIONWIDE ADOPTION & SEARCH POLL FOR THE PERIOD ENDING 10/87. (THE POLL WILL CONTINUE THROUGH FEBRUARY 1988. SEND \$10 CASE TO PSH FOR COPY.) LETTERS, NOTES, COMMENTS AND TEAR-STAINED POLLS TOLD US HOW DIFFICULT AND PAINFUL THIS POLL WAS FOR BIRTH MOTHERS TO COMPLETE. POST PARTUM COUNSELING WAS NEVER AS OBVIOUSLY NEEDED AS IN THIS POLL.

Birth Mothers responded from 26 states. The greatest majority gave birth/surrendered in the following: OH, CA, NC, IL, MI. The year of birth among children surrendered ranged from 1952-1984. Of those, 99% of Birth Mothers were searching; 50% had already found after an average search time of 2 years 7 months. (Search time ranged from 3 weeks to 19 years.) The majority of Birth Mothers responding gave birth/surrendered: 1965-70 = 58%; 1959-64 = 24%; 1971-84 = 9%; 1952-58 = 7%.

Birth Mothers who were counseled about option other than adoption: 3% - 96% were not counseled; 1% unk. Birth Mothers who surrendered voluntarily: 97%. All were asked to describe the circumstances of voluntary surrender and responses were: under duress - MAX given no choice - 32%; surrendered while under heavy sedation - 20%; told baby was "dead" and surrender was a formality - 1%; Three percent surrendered involuntarily.

Percentage of Birth Mothers who were sterilized involuntarily following birth: 4%; 86% were not; 10% unknown.

Birth Mothers who had other children after surrendering one or more to adoption: 81% did; 32% did not; 7% unknown.

Average age of surrendering Birth Mother: 19 years. Youngest 16; eldest 28.

Birth Mothers who considered abortion: 22%; 77% did not; 1% unk. Birth Grandparents who suggested abortion: 23% did; 73% did not; 2% didn't know about the pregnancy; 2% unknown.

Birth Mothers residing in Maternity Homes: 40%. Of those 47% were told to use false names with other residents. Average stay: 3 months and 3 weeks. One percent of birth mothers were in foster homes.

Birth Mothers who surrendered within 14 days of giving birth: 99%.

Marital status of birth mothers: 94% single - of whom 8% were engaged at conception; 6% married the birth father and, of those, none had previously been engaged. Married birth mothers at time of conception/birth: 6%.

- Adoptions were facilitated by:
- Private Adoption Agencies..... 54%
 - Catholic - 31%
 - CHS - 14%
 - Lutheran - 12%
 - Jewish - 6%
 - Others - 37%
 - State/County Adoption Agencies..... 22%
 - Private Agent Adoptions..... 23%
 - Attorneys - 68%
 - Doctors - 32%
 - Facilitator Unknown..... 1%

More babies were born in July and August than any

other months. November and March followed.

Of Birth Mothers who surrendered 65% saw the baby, 4% of whom were not allowed to touch the infant. One percent did not see the baby feeling it would be too painful - and 34% wanted to see their babies but were refused/denied. Single births 94%; twins 6%; no multiples above twins reported. Seventy-seven percent knew the sex of the baby; 13% were denied.

Fifty-nine percent named their babies; 41% did not, and of those 19% wanted to, but were denied.

False names used on Birth Registrations: 83% did not although 6% of them reported they were "told to" and refused; 14% falsified the registration and were "told to"; 3% falsified the registration voluntarily. Of those who were "told to" falsify their names on the birth registration, most were adoptions facilitated by attorneys and Catholic agencies. All the birth mothers, except one, who falsified the birth registration are searching or have found. The exception's child is a minor.

Of the adoptees found by searching Birth Mothers, 8% were placed out-of-state.

Birth Mothers who have registered with Reunion Registries: 98 did not; 3% unknown; 2% with State registries; 40% with ALMA; 88% with International Boundless Reunion Registry. (The percentages reflect birth mothers who may have registered in one, two or three registries, and are based on the total number of respondents registered in each of the three registries.)

The State should impose confidentiality on the Birth Mother: 99.8% said "NO". Confidentiality should rest on the Birth Mother - VOLUNTARILY written request: 12%; 88% were against any kind of "confidentiality" and voted NO. Several stated if a voluntary letter of confidentiality was an option, agencies and attorneys would manipulate, force, threaten and coerce Birth Mothers into signing such a letter.

The seal of confidentiality should be lifted from adoption records when the adoptee reaches majority age: 99.8% said "YES!"; 2/10 of one percent said no.

Birth Mothers who had not searched and were found by adoptees: 3%. 15% searched before the child reached majority age for medical reasons, or the need to know. 100% wanted to be found.

40% have asked the adoption agency/agent to provide them with a copy of the birth parents' background as given to the adoptive parents. Of those who asked, 7% were ignored; 19% were refused - and the balance received positive answers. 17% did not ask for copies; 19% will ask, and 4% did not report. Background information was correct 7%; partially correct 37%; 56% unknown.

81% of Birth Mothers have sent waivers of confidentiality to the agency/agent of adoption; 9% have not. 44% inquired as to whether the adoptee had provided a waiver; 49% did not inquire; 7% did not report.

Only 57% of the Birth Mothers have updated the agency file with personal information; 20% have not; 13% will; 10% did not report.

Seven percent of Birth Mothers were told they had a right to have the original birth certificate; 92% were not told; 15% obtained the original. Birth registrations: 15% obtained them; 85% did not.

sex from
for each
Hotline
are that
REALLED
SEARCH!
e, over
needed?"
rents &
great
members
any also
they
which
adop-
ted
is
res &
ave
of
ors see
with
WHO
service
adoption?

Uddendrum 1
Pt 3
1-17-8
SB9

(anesthesia would make it easier for her to sign the papers, that she would forget it easier.)

According to doctor's orders, Carol never saw her son in the hospital. She attempted to go on with her life as she had been told. She met her husband, told him about her son and was married six months after her son's birth. She had three more children but every Christmas and on her son's birthday she had great feelings of sadness and guilt.

When he was about thirteen years of age Carol decided that her health problems warranted contacting her son's adoptive parents. She began to search. She applied for her son's birth certificate both from the state and the county where he was born. It was there under her maiden name! Normally, when an adoption is finalized, an amended birth certificate is issued listing the adoptive parents, and the original birth certificate is sealed. The fact that Carol's son's original certificate of birth was never amended or sealed was cause for concern that he could have died or never been adopted.

She went back to the lawyer who had handled the adoption and he said that he no longer did adoptions and he did not remember anything about her case. She asked if there had ever been a child who was placed for adoption who was not adopted. He said, yes, there had been one blind child who had been given back to the state. Carol then went to the county Department of Human Resources and asked them to search their records, particularly looking through state schools for the blind.

Later, Carol obtained the records from the hospital in which her son was born and they indicated that her child was born in good health.

Meanwhile a friend of a friend's lawyer offered to help. After months of searching he called and said that he had located her son and that he would transmit Carol's health history. He sent her a copy of what he had sent on. While this attorney intimated to Carol that her child was adopted and that it was the adoptive parents to whom he was forwarding the information, he never came out and said that. Carol thanked him and went no further because he had done this as

CAROL

Carol was twenty-three years old and single when she became pregnant for the first time. She was a registered nurse and had ample means of support. Because her child's father would not marry her, she decided to make restitution for what she had done and make something good out of something terrible by giving someone a child. To spare her younger brothers and sisters disgrace, she moved to another state with her aunt, got a job and investigated adoption.

Through a doctor, Carol was put in touch with an attorney who came and interviewed her when she was about six months pregnant. He assured Carol that she would be placing her child in a good home with Christian professionals who could support her child well. She never saw the lawyer again.

Immediately after delivery, while still under anesthesia, another lawyer appeared at Carol's bedside. This attorney told her that the original adoption had fallen through; that the people had changed their mind. This man, whom she had never seen before, told her that being under the effects of the

*Photocopied from
The DARKSIDE of Adoption*

*by permission of
the author 1-20-89 gjo*

a favor with no payment. In retrospect, Carol sees now that the real reason she accepted his vague answer and did not question was because she was terrified to find the truth.

Questions still plagued her. When her son was about sixteen or seventeen Carol underwent counseling in which she went through the whole grief process of surrendering her child. She attempted through therapy to "let go," to relinquish emotionally. But she still believed that when he turned eighteen he would possibly have a driver's license or something that would enable her to find him.

Just when she was about to give up hope, one of her leads led Carol to find her firstborn son in a state school where he had lived all of his life. He had been placed in an adoptive home, but the adoption was never finalized and he was made a ward of the state at three months of age when he was diagnosed as being profoundly retarded.

A friend of Carol, who also has a retarded child, intervened on Carol's behalf with the authorities at the school and Carol was permitted to visit her son. She currently stays at the school for extended visits and has brought her son home for Christmas. She is in the process of obtaining legal guardianship and hopes to move him to a school closer to home.

Despite all of the pain that Carol has suffered, she speaks kindly of the people at the state school who have cared for her son. They are not callous, she says.

With no anger she states that the people who made decisions about her and her son did not know her. She was willing and able to care for her son had she known the truth. She wanted adoption to be a "better life" for him and to make a couple happy. She did not want to "get rid of" an unwanted child. But no one cared enough for her or for him to find out. Carol's picture was in the newspaper announcing her marriage at the same time her son's adoption was being terminated. She was an employed registered nurse. She was very visible.

Through her agony, Carol sees the bright side. "I was so afraid of the unknown. The reality is not as fearful as the unknown. I've suffered a lot of pain but the phantom pain is

gone. I feel like one whole complete person." Finding her son has brought her great joy. "He is just precious and I love him," Carol says. "He is my baby. He's sweet and he's cute. He's like a nine-month old baby, very loveable. He's pretty. And he's not suffering."

Carol did discover that it was an isolated chromosome which caused her son's retardation. While she is thankful that her three subsequent children are miraculously healthy, Carol is concerned that secrecy such as this in sealed adoption represents grave potential danger to birthparents' subsequent children. Because of her concern, she notified her son's birthfather who had just recently married. He now has the opportunity to receive genetic counseling.

Did Carol, her husband and subsequent children deserve to know the truth about her firstborn? Did he not deserve the love he was deprived of for nearly two decades?

Some people think that when the adoptee has a good home
there is no need for them to know their biological parents
Lots of people have not lived with ~~an adopter~~ ~~the~~
an adopted daughter always had a strong desire to
know at an early age. Specially when told that
they are chosen and adopted by our own children and
school children. And some adopters have a very strong desire
to find their back ground and bloodline.
I have read quite a few books on adoption and the best
one I think is lost and found by Jean Lifton, it is written
by her husband, a psychiatrist. and of all the adoptees that
contributed to this book, the majority want to know their
back ground ~~and~~ And perhaps for some one meeting
with their biological parents satisfies their desire ~~and~~
~~in the majority~~ - Blood is thicker than water.
And ~~most~~ of them are not looking for fortunes or to
disrupt other families.

1 on typed sheet -

2X - It is just about always the adoptee to do the ^{searching} searching
Our daughter had a good legal cause to get her information
she developed neurological problems. but her Dr who is ready
to retire did not want to get involved and her being young
and inexperienced just gave up.

Albert Vandenberg

BURLINGTON NORTHERN RAILROAD COMPANY
 SUMMARY COUNT OF CABOOSELESS CONDUCTOR TRIPS IN THROUGH FREIGHT SERVICE - BY UNIT TRAINS, INTERMODAL AND REGULAR FREIGHT
 BY EACH SOURCE OF SUPPLY (CREW CHANGE POINT) WITHIN EACH OPERATING DIVISION OF EACH REGION- OCTOBER 1988
 PREPARED 11/22/88

TSU202

FOCUS 5.0

CREW CHANGE POINT	UNIT TRAINS	INTERMODAL	REGULAR FREIGHT	TOTAL COUNT THRU FREIGHT
AMARILLO TX	0	46	5	51
DALHUB TX	0	122	0	122
ENID OK	0	33	1	34
FAIRMONT OK	0	1	0	1
FTWORTH TX	5	4	39	48
GALVESTON TX	1	0	2	3
HENRYETTA OK	0	2	0	2
HOUSTON TX	6	33	24	63
IRVING TX	8	2	56	66
LELA OK	0	1	0	1
MADILL OK	25	0	102	127
OKLCITY OK	0	0	104	104
QUANAH TX	0	0	44	44
SHERMAN TX	0	0	1	1
SPAULDING OK	0	1	1	2
TEAGUE TX	11	68	55	134
TEXLINE TX	2	4	1	7
TULSA COMPLEX	31	116	153	300
WAYNOKA OK	0	0	9	9
WICFALLS TX	3	51	4	58
FT WORTH DIVISION	92	484	601	1177
BEARDSTOW IL	63	1	61	125
BROOKFIELD MO	12	151	117	280
BURLINGTO IA	52	1	4	57
CENTRALIA IL	38	0	20	58
CHICAGO COMPLEX	24	156	102	282
CRESTON IA	124	42	73	239
GALESBURG IL	133	351	359	843
ISUGENSTIA IA	2	0	0	2
KANSAS CITY COMPLEX	6	73	66	145
OTTUMWA IA	1	0	1	2
ST LOUIS COMPLEX	42	61	46	149
UNIELECTR MO	2	0	0	2
WALTON MO	1	0	0	1
WQUINCY MO	108	145	230	483
GALESBURG DIVISION	608	981	1079	2668

SOURCE: CABOOSELESS TRAIN DATABASE - AS MAINTAINED FROM CONTINUAL ENTRIES AS RECEIVED FROM RTE560 PAYROLL COMPUTER SYSTEM.

NOTE: ALL TRAINS SHOWN ABOVE ARE IN THROUGH FREIGHT SERVICE, MANNED BY ROAD FREIGHT SERVICE EMPLOYEES.
 THIS ACCOUNTING DOES NOT CONSIDER LOCALS OR TRANSFER MOVEMENTS MANNED BY YARD SERVICE EMPLOYEES.

OFFICE OF CHIEF MEDICAL AND SAFETY OFFICER
 OVERLAND PARK, KANSAS

Concerning SB92

EXHIBIT NO. 2, part 2
DATE 1-17-89
BILL NO. SB 92

I am Albert Vandenberg and I am an adoptive parent

When we adopted our daughter in 1965 we were told by the court that when she became of age that she could get her legal birth certificate and other information to find her biological parents. This right was taken away in 1974 or 1975.

I feel it is their right and when they become of age they should be able to get this information for the following reasons

1. Happy reunion and a chance to forgive and overcome the guilt for adoptee and the biological parents. Our daughter has found her biological mother and also a sister and brother. We as adoptive parents are very happy for all. We never felt threatened by this and know that we will always have our daughter. We as Christians and loving human beings feel good about having helped lift the guilt from the biological mother who has suffered for 24 years.

2. For prohibitive cost to search on their own.

We asked our social service to get information and we did not get any but a big bill for phone calls and services, and if we would like to continue the cost would be \$20 per hr. plus all phone calls and other expenses.

Private investigation is also very expensive, if you have the money or know the right person you can get through this mess.

3. When our daughter got her legal birth certificate with the needed information she took it to her pastor and with 3 phone calls the pastor made contact with our daughter's mother. Through some other Organizations it can be easy to get all the necessary information and help, But some organizations do not help or are inadequate to do so even when both the adoptee and the biological mother have made it known that they want to find each other.

4. With all the changes today, like the open adoption why is there a group singled out that are not allowed their legal birth certificates.

Who do we protect with this law and for what reason? Do the healthy normal adoptees have any rights?

In our own community and circle of friends we have 4 adoptees and all have found their biological parents and all are happy and have good relationships.

So why are so many adoptees who want to get their legal birth certificate and other information denied of this privilege.

I would want to know my background.

~~Our daughter wanted more information~~
~~She did develop neurological problems~~
~~during her pregnancy~~

genetic biological

Albert Vandenberg

1303-7 St

Whitefish Mt

59937

406-862-3628

Mrs. V.

SENATE JUDICIARY

EXHIBIT NO. 3181

DATE 1-17-89

BILL NO. SB 92

"Memories cling, just as ivy - on and on - throughout the years."

Dear Mr. + Mrs. Kandelberg

I am writing this to you, as Brenda's mother, because only another woman would be capable of fully understanding what I'm going to try and convey to you. Though God knows, her father has my most sincere, heartfelt thanks and appreciation also.

Only another woman could understand, with empathy, the pain I felt, growing worse and worse, with each mile that was carrying me further and further away from Montana and that tiny, precious, and dependent little baby, of whom I never had a glimpse, which was as I had requested, for I knew if I saw the baby I would never be able to leave it. So, there I was, going further & further away from her, leaving her all alone, with only hospital staff to hold her and maybe cuddle her, if they had the time. But the thought of that tiny little thing, being back there with no one who loved her, just about killed me. It hurt!! It hurt so very badly. more than I can ever express, but I know that you, as a mother yourself, will understand what I'm trying to say. Please try to understand and not think too badly of me. The fact is - I did not want to give my baby up, but circumstances, being what they were, and ^{with} the people who were involved in those circumstances, I was more or less forced to let her go.

It is so very important to me that you and her father know and understand how very much I sincerely appreciate God sending you to her and you wanting her enough to take her into your hearts and home and caring for her. But, most of all, for giving her love.

She wrote me a letter and in that letter there was one line (just as if she could sense the main thing I've had nightmares over). She wrote - "I had a good and happy upbringing, and my parents love me very much." Can you even begin to imagine how one feels, after having wondered and worried almost every day of her life for almost 24 years about the thing that was answered for me. right there in the very 1st correspondence? The relief

from the ground. To know, at last, and to hear it from her, that she had been receiving the love I was so worried she might not be getting.

I simply cannot find the adequate words to express my appreciation to you for giving her your love, and praise God for choosing the two of you to entrust that precious little life to, to ensure that she did receive the love she so rightfully deserved. Thank you!! Thank you from the bottom of my heart. And I sincerely hope that the sacrifice I was forced to make (letting my baby go) has brought to the two of you - many, many hours of joyous happiness. YOU deserve that and more!

You truly have a beautiful daughter. I have a son older than Brenda, and a daughter younger. (Yes, God in all his goodness saw fit to give me another one.) But, there will always be a special spot in my heart for Brenda, never to be replaced by anyone or anything. I've always felt love for her, even though I never even saw her. I left her behind, it's true, all alone and helpless, but believe me, I've paid for it over and over again, throughout all these years. It helps now, to know that she has had parents who loved her. Thank you, you can't imagine the relief that knowledge has brought to me. May God bless the two of you for always. Carrie Mitchell

Brenda, (Written on Envelope)

Would you give this to your mother for me, Honey?

It is, more or less, a note of appreciation to her and your dad.

If you would like, open it and read it first. Then if you prefer not to give it to them, it will be okay with me, Sweetheart. I leave it up to you. Do whatever you feel is best for their feelings, for I would never, knowingly, do any thing which might cause them the slightest bit of discomfort. And as you know them, you can judge if it might cause them to feel any. I haven't the vaguest idea if they would ever want to hear from

*
SENATE JUDICIARY

EXHIBIT NO. 4

DATE 1-14-89

BILL NO. SB 92

4929 Ninth Avenue South
Great Falls MT 59405

February 6, 1989

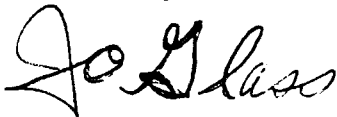
Senator Bruce Crippen
President Judiciary Committee
Montana State Senate
Capitol Building
Helena MT 59620

Dear Senator Crippen:

As the president of the Judiciary Committee for our State Senate, I sincerely hope you will take the personal letters and legislative letters under advisement. The legislative letters are, as you will see, from adoptees, adoptee parents, and birth parents. I also have nearly 1200 from concerned citizens that I will make available to you upon your request.

Perhaps then you and other members of your committee will act favorably on Senate Bill 92, rather than letting this bill die at your committee level.

Sincerely,



Jo Glass
Montana State Chairperson
ALARM

* 180 FORM LETTERS WERE RECEIVED FROM PERSONS THROUGHOUT THE STATE
A COPY OF THE LETTER IS ATTACHED.

The originals are housed at the Historical Society.

*Given to the
Committee by
Jo Glass.*

SENATE JUDICIARY
EXHIBIT NO. 4, pt 1
DATE 1-17-89
BILL NO. SB 92
SENATE JUDICIARY
EXHIBIT NO. _____
DATE _____
BILL NO. _____

Dear Legislator / Congressman:

Are you aware that in the United States today, adoption directly touches upon the lives of some 25 million people? These include adoptees, parents who have relinquished a child for adoption, parents who have adopted, brothers and sisters of adoptees, as well as birth and adoptive grandparents.

I agree with ALARM that adult adopted persons are being denied a basic human right as promised under the Constitution of the United States. Birth right is an inalienable right endowed by our Creator, yet our State has obliterated our birth right and denied us important medical information as well as our genealogical history.

Many birth parents who surrendered a child for adoption due to burdensome circumstances likely never requested or desired confidentiality from their adult child. That may have been imposed upon them by the system as a condition for placement of the child.

Please sponsor or support a bill to (1) provide access to records for adult adopted persons at age of majority upon request, and (2) provide medical information when needed by adoptive parents with minor adopted children.

Sincerely yours,

Deanna Keith

Please underline the following which applies to you:

birth parent adopted person
adoptive parent concerned citizen

Address: *501 - 48th St. So.*
City: *Great Falls* State: *Montana*
Zip: *59405* Phone: *761-4663*

My name is Bill Driscoll, and I appear before this committee on behalf of the Montana Inter-Agency Adoption Council, an association of all the licensed private adoption agencies in Montana. Although we do not oppose helping adopted persons who desire to learn about their natural parents and their birth records, we do oppose S.B. 92 as it is drafted.

Our concern with the legislation is that it requires the Montana Department of Health and Environmental Sciences Bureau of Vital Records and Statistics to disclose birth records upon demand of an adopted person and requires licensed private adoption agencies to cooperate. It is the disclosure on unilateral demand of the adopted person which this association opposes. The legislation does not properly account for the privacy rights of natural parents who relinquished children for adoption and oppose disclosure of information about themselves to the adopted child.

First and foremost, we believe S.B. 92 is unconstitutional. Article II, Section 10 of the Montana Constitution establishes an explicit right of privacy, and the U. S. Constitution has been interpreted to extend privacy protection as well. Disclosing birth records to adopted persons on their demand absent a court order or consent of the natural parents would arguably violate

those constitutional rights. S.B. 92 would therefore subject the state and licensed private adoption agencies to the risk of lawsuits by relinquishing natural parents claiming violation of their constitutional privacy rights.

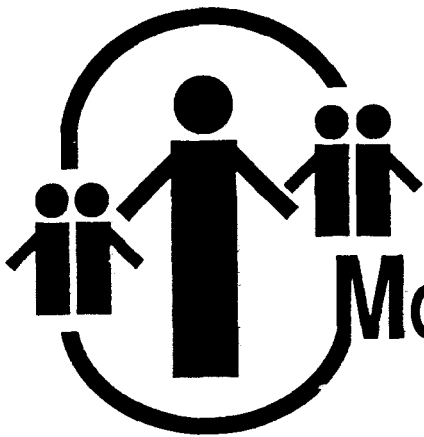
We oppose S.B. 92 for the additional reason that licensed private adoption agencies counsel relinquishing natural parents under the existing state of the law which imposes broad confidentiality for adoption records. To suddenly begin requiring disclosure of birth records on demand of adopted persons would substantially change commitments made to relinquishing natural parents under existing law.

Although we are not proposing an amendment to the legislation, we suggest that a better approach would be to do as private adoption agencies already generally do. Specifically, when an adopted person requests birth records and information concerning natural parents, the adoption agency attempts to contact the natural parents and obtain consent. Absent their consent, the adoption agency refuses disclosure and advises the adopted person to seek a court order requiring disclosure. Whether to require disclosure then becomes a decision for a judge to make. Considering that not all natural parents are ever

likely to consent to disclosure of information about themselves, the decision will be left for a judge to make in many instances anyway.

For the reasons I have stated, the Montana Inter-Agency Adoption Council opposes S.B. 92 as it is drafted.

7616D



SENATE JUDICIARY

EXHIBIT NO. 6

DATE 1-17-89

BILL NO. SB 92

MONTANA POST ADOPTION CENTER

January 16, 1989

BOARD OF DIRECTORS

JESSIE SCHLINGER, President
Kalispell, Montana

MIKE KAUFFMAN, Vice-president
Helena, Montana

BONNIE SCARBRO, Secretary
Great Falls, Montana

STEVE WALDRON, Treasurer
Helena, Montana

DALE ORTH
Billings, Montana

TWYLA BISSONETTE
Helena, Montana

FRANK W. CLARK, Ph.D.
Missoula, Montana

D. MARK RICKS
Helena, Montana

EDWARD WAGNER
Browning, Montana

DR. RICHARD AGOSTO
Billings, Montana

CARMEN PTACEK, Ph.D.
Bozeman, Montana

TERRY TAYLOR
Helena, Montana

WARREN WRIGHT, Ex Officio
Missoula, Montana

Senator Bruce Crippen, Chairman
Senate Judiciary Committee
Room 325, Capitol
Helena, Montana 59620

Dear Senator Crippen:

On January 12, 1989, the Board of Directors of the Montana Post Adoption Center voted to oppose the passage of SB 92, "An Act To Allow An Adopted Person To Have Access To His Original Birth Records Upon Demand". Although we believe adult adoptees have a right to accurate birth information, including their original birth certificate, we do not think this information should be available simply upon the request of an adoptee over the age of eighteen, as SB 92 would allow.

It is reasonable to assume that many adoptees would use the information to contact their birthparent(s). Without a provision for an intermediary to provide counseling, as well as to make the initial contact with the birthparent(s), this bill could lead to unnecessary emotional trauma for adoptees and birthparents alike.

We urge your committee to amend SB 92 to include a requirement for an intermediary, or to kill this bill. If the bill is killed, we would like to go on record urging that an alternate bill be introduced during this session which will establish a process for adult adoptees to obtain birth information without a court order, but one that will also protect the rights of both the adoptees and the birthparent(s).

Thank you for considering our comments. If we can provide information on this or any other adoption legislation, please call the Center at 449-3266.

Sincerely,

Jessie Schlinger
President

STAFF

HARRIET TAMMINGA, Ph.D.
Project Director

HELEN COSTELLO
Coordinator

BETSY STIMATZ
Administrative Assistant

JS:bs

P.O. BOX 634, HELENA, MT 59624

406-449-3266

LDS Social Services

MONTANA HELENA AGENCY
2001 11th Avenue
Helena, Montana 59601
Phone (406) 443-1660

SENATE JUDICIARY

EXHIBIT NO. 7

DATE 1-17-89

BILL NO. SB 92

16 January 1989

Jorsyth

Chairman Bruce Crippen
Senate Judiciary Committee
Capital Building
Helena, MT 59601

Re: Senate Bill 92

Dear Senator Crippen:

I am the Agency Director of LDS Social Services, Montana Helena Agency, a private adoption agency licensed by the Department of Family Services.

I am writing in opposition to Senate Bill 92 which proposes an amendment to allow an adopted person to have access to his original birth record upon demand.

In many cases the birth mother has sought confidentiality when she terminated her parental rights and placed the child for adoption. For an adopted child to be able at 18 to have access to his original birth record deprives that birth mother of her right to privacy. We believe this to be a constitutional right.

As private agencies, we do post adoption services that allow for a child to seek non-identifying information and should an adopted child wish to go beyond that, with reasonable cause, they can go to a district court and request a court order and help from the agency. At this point the court can consult with the agency about each request.

There have been searches for birth parents which have been successful and there have been just as many where individuals have been hurt. We wish for no one to be hurt.

We would ask that this amendment not pass.

Sincerely,

D. Mark Ricks

D. Mark Ricks, MSW, LSW
Agency Director

EX-117-89

NAME: GARY Forsyth

DATE: 1-18-89

BILL NO. SB 92

ADDRESS: 2001 - 117th Ave Helms, MT

PHONE: 443-1660

REPRESENTING WHOM? FDS Social Services

APPEARING ON WHICH PROPOSAL: 92

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: Written statement given to Committee
see exhibit #7

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



**FLORENCE
CRITTENTON
HOME & SERVICES**

846 Fifth Avenue
Helena, MT 59601
(406) 442-6950

Northey
Did not
Testify

SB 92
1/17/89
Maternity Home
Mother/Baby Program
Out-Patient Services
Counseling & Classes

January 17, 1989

Senator Bruce Crippen
Chairman Judiciary Committee
State Capitol
Helena, Montana 59601

Dear Senator Crippen:

Although we at the Florence Crittenton Home understand the need for adopted children to know their parentage, we oppose Senate Bill 92. We believe that non-identifying information can be provided to adopted children that can answer many of their questions without abusing the right of confidentiality of the birth parent.

Having provided care to single pregnant women for over 88 years, we at Crittenton understand well a woman's fear that the child she relinquished years ago could suddenly appear in her life without her having adequate time to prepare for such a meeting. This is exactly what could and would happen if this bill is passed.

Families have been hurt terribly when such "surprises" happened. Adopted children too, have been traumatized by new-found knowledge of their parentage which they were not prepared to deal with.

Our recommendation instead would be that a counselor/minister act as a go-between. In this way the potential for damaging surprises can be avoided or at least minimized. If adopted children want health and social information about birth parents, this is already available to them without having to identify the birth parents.

The right of confidentiality is equally important to the right to know. Making it any easier for adopted children to find the name of birth parents would only increase the potential for problems for the adopted child as well as the birth parents. We encourage you to oppose Senate Bill 92 for this reason.

Thank you.

Sincerely,

Karen Northey

Karen Northey
Program Director

KN/pe

CC: Committee Members

A UNITED WAY AGENCY
The Florence Crittenton
Home and Services
is a private,
non-profit agency
supported by fees,
donations and memorials



BOARD OF DIRECTORS

Betty Babcock
Jim Cassidy
Jim Foley
Bud Iwen
David Johnson
Robert Kechely, MD
James A. Maierle
Ed Nelson
William Simic, MD
Chadwick Smith
Russell Steen
Virginia Thompson

STAFF

Karen Northey, Program Director
Patty Eva
Nellie Anderson
Lynda Brittingham
Jenny Bryson
Peggy Clark
Charlene Engelhardt
Dorothy Havens
Mary Jones
Tracy Korth
Karan Lapham
Carol Morris
Joyce Norgard
Betty Norskog
Janet Ritchie
Enriqueta Stern

NAME: Betsy Stimatz DATE: 1-19-89

ADDRESS: P.O. Box 634 Helena 59624

PHONE: 449-3266

REPRESENTING WHOM? Montana Post Adoption Center

APPEARING ON WHICH PROPOSAL: SB 92

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: Written testimony submitted

Multiple horizontal lines for additional comments or notes.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SB 92

NAME: BILL DRISCOLL DATE: 1/17/89

ADDRESS: P.O. BOX 1715 HELENA, MT 59624

PHONE: 442-8560

REPRESENTING WHOM? MONTANA INTERAGENCY ADOPTION COUNCIL

APPEARING ON WHICH PROPOSAL: S.B. 92

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: Submitted separately.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Marilyn McKibben DATE: 1-17-89

ADDRESS: 530 N. Ewing

PHONE: 442-4130

REPRESENTING WHOM? Catholic Social Services for Montana

APPEARING ON WHICH PROPOSAL: S. B. 92

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SB 92

NAME: Jo Glass DATE: 1-17-89

ADDRESS: 4929-9 Ave S

PHONE: 761-6425

REPRESENTING WHOM? Alarm

APPEARING ON WHICH PROPOSAL: 92

DO YOU: SUPPORT? Yes AMEND? _____ OPPOSE? _____

COMMENTS: See Exhibit 4

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: GINNI D SNODGRASS DATE: 1-12-89

ADDRESS: 9203 SW Cree Cir Tualatin OR 97062-9046

PHONE: (503) 692-5794

REPRESENTING WHOM? The A.L.A.M. Network, Inc

APPEARING ON WHICH PROPOSAL: 92

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: I am the Northwest United States Chair of
A.L.A.M. a Montana organization. I have been
asked by your constituents to appear

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Glenn Vandenberg DATE: 1-17-89

ADDRESS: 1303 - 7th St. E. Whitefish, MT.

PHONE: 406-862-3628

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: # 92

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Albert Vandenberg DATE: 1-17-88

ADDRESS: 1303 75th Whitefish Mt 59937

PHONE: 406-862-3628

REPRESENTING WHOM? self.

APPEARING ON WHICH PROPOSAL: SB92

DO YOU: SUPPORT? yes AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SB 92
1/17/89

BILL SUMMARY SENATE BILL 92 (MEYER)

by Valercia Lane
1/17/89

The purpose of this bill is to allow adopted persons to have access to their birth records on demand after the age of 18. Under current law, when an adoption takes place, a substitute birth certificate is issued by the Department of Health and Environmental Sciences upon receipt of a report of the adoption from a district court. The substitute certificate indicates the adoptive parents as the parents of the child and there is not indication that an adoption was involved in the birth.

When the substitute birth certificate is issued, the original birth certificate and the report of the adoption from the district court are placed in a sealed file. This sealed file can not be opened under current law except on the order of a court. The original birth certificate, according to the Department of Health, has some information about the birth mother, such as: name; age; in recent years, race; facts about her pregnancy history, such as number of previous pregnancies and live births; and birth weight. The medical information with the original birth certificate is generally limited. It has traditionally been gathered for statistical information only, but because it is usually physically

affixed to the birth certificate, it is generally in the sealed file. Although this information is not a complete medical history, it may refer to a hospital or doctor from whom more complete medical information could be obtained.

The substantive change in this bill is the amendment of 50-15-304, MCA [Section 9 of the bill]. This section is the one that deals with the sealed adoption records. The other amendments in the bill are to make appropriate references to this section (Section 50-15-114 deals only with the new, substitute certificate). The amendment to 50-15-304 allows an adopted person when he reaches legal age to have access to his sealed birth records on demand. This amendment essentially returns Montana law to what it was before it was amended to restrict access in 1981 (see attached copy of 1979 law).

Senator Hager has indicated that he will oppose the bill but would consider supporting a change to the bill to enact a process similar to Minnesota's that allows the state to act as an intermediary to facilitate a release of information if the birth parents agree. Also attached is a proposed version of the Minnesota law which will need some work if it is to be adopted in Montana.

- (c) number of children under 18 years of age in custody of either party and residing with him;
- (d) grounds for the action;
- (e) number of the cause of action;
- (f) county and judicial district where the action is filed; and
- (g) date of judgment and the party which was granted it.

History: En. Sec. 74, Ch. 197, L. 1967; amd. Secs. 107, 110, Ch. 349, L. 1974; R.C.M. 1947, 69-4434; amd. Sec. 4, Ch. 37, L. 1979.

50-15-303. Certificates of dissolution of marriage, adoption, declaration of invalidity of marriage, or annulment of adoption. Before the 16th day of each month, the clerk of court shall prepare and forward to the department a certificate for each decree of dissolution of marriage, adoption, declaration of invalidity of marriage, or annulment of adoption that became final during the preceding calendar month. Certificates shall be on forms prescribed by the department.

History: En. Sec. 73, Ch. 197, L. 1967; amd. Secs. 107, 110, Ch. 349, L. 1974; R.C.M. 1947, 69-4433; amd. Sec. 5, Ch. 37, L. 1979.

50-15-304. Substitute birth certificate for person adopted. (1) The procedure for issuing a substitute birth certificate for a person born in Montana and adopted is as follows:

- (a) Before the 16th day of the month following the order of adoption, the clerk of the district court shall forward a certified copy of the final order of adoption to the department or the department may accept a certified copy of a final order of adoption from a court of competent jurisdiction of a foreign state of the United States or a tribal court of competent jurisdiction.
- (b) The department shall prepare a substitute certificate containing:
 - (i) the new name of the adopted person;
 - (ii) the true date and place of birth and sex of the adopted person;
 - (iii) statistical facts concerning the adoptive parents in place of the natural parents;
 - (iv) the words "department of health and environmental sciences" substituted for the words "attendant's own signature"; and
 - (v) dates of recording as shown on the original birth certificate.

(2) The procedure for recording a substitute certificate of birth for a person born in Montana and adopted is as follows:

- (a) The department shall send copies of the substitute certificate to the local registrar and to the county clerk and recorder.
- (b) The local registrar and county clerk and recorder shall immediately enter the substitute birth certificate in its files and forward copies of the original birth record to the department.

→ (c) The department shall seal original birth records and open them only on-demand of the adopted person if of legal age or on order of a court.

(3) On receipt of a certified copy of a court order annulling an adoption, the department shall restore the original certificate to its place in its files and notify the local registrar and county clerk and recorder.

History: (1)En. Sec. 60, Ch. 197, L. 1967; amd. Sec. 52, Ch. 349, L. 1974; amd. Sec. 1, Ch. 162, L. 1977; Sec. 69-4420, R.C.M. 1947; (2), (3)En. Sec. 61, Ch. 197, L. 1967; amd. Sec. 53, Ch. 349, L. 1974; Sec. 69-4421, R.C.M. 1947; R.C.M. 1947, 69-4420, 69-4421.

MINNESOTA STATUTE 259.49 RELATING TO ACCESS TO

ADOPTION RECORDS (modified to Montana bill drafting style)

NOTE: in this section, "department" means the Montana Department of Family Services

Access to adoption records. (1) An adopted person who is 21 years of age or over may request the department of health and environmental sciences provided for in Title 2, chapter 15, part 21, to disclose the information on the adopted person's original birth certificate. The department of health and environmental sciences shall, within 5 days of receipt of the request, notify the department in writing of the request by the adopted person.

(2) Within 6 months after receiving notice of the request of the adopted person, the department shall make complete and reasonable efforts to notify each parent identified on the original birth certificate of the adopted person. The department may charge a reasonable fee to the adopted person for the cost of making a search pursuant to this subsection. The department of social and rehabilitation services, the department of health and environmental sciences, and every licensed child placing agency in the state shall cooperate with the department in efforts to notify an identified parent. All communications under this subsection are confidential.

(3) For purposes of subsection (2), "notify" means a personal and confidential contact with the genetic parents named on the original birth certificate of the adopted person. The contact may

*codified
instruction
T. 40, ch. 3, part 1*

not be by mail and must be made by an employee or agent of the licensed child placing agency which handled the pertinent adoption or other licensed child placing agency designated by the department. The contact shall be evidenced by filing with the department of health and environmental sciences an affidavit of notification executed by the person who notified each parent certifying that each parent was given the following information:

(a) the nature of the information requested by the adopted person;

(b) the date of the request of the adopted person;

(c) the right of the parent to file, within 120 days of receipt of the notice, an affidavit with the department of health and environmental sciences stating that the information on the original birth certificate should not be disclosed;

(d) the right of the parent to file a consent to disclosure with the department of health and environmental sciences at any time; and

(e) the effect of a failure of the parent to file either a consent to disclosure or an affidavit stating that the information on the original birth certificate should not be disclosed.

(4)(a) If the department certifies to the department of health and environmental sciences that the department was not able to notify a parent identified on the original birth certificate within 6 months, and if neither identified parent has at any time filed an unrevoked consent to disclosure with the department of health and environmental sciences, the information may be disclosed as follows:

(i) if the person was adopted prior to October 1, 1989, he may petition the appropriate court for disclosure of the original birth certificate and the court shall order the certificate to be disclosed if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

(ii) if the person was adopted on or after October 1, 1989, the department of health and environmental sciences shall release the requested information to the adopted person.

(b) If either parent identified on the birth certificate has at any time filed with the department of health and environmental sciences an unrevoked affidavit stating that the information on the original birth certificate should not be disclosed, the department of health and environmental sciences may not disclose the information to the adopted person until the affidavit is revoked by the filing of a consent to disclosure by that parent.

(5) If, within 6 months, the department certifies to the department of health and environmental sciences notification of each parent identified on the original birth certificate pursuant to subsection (2), the department of health and environmental sciences shall disclose the information requested by the adopted person 121 days after the date of the latest notice to either parent. This disclosure will occur if, at any time during the 121 days both of the parents identified on the original birth certificate have filed a consent to disclosure with the department of health and environmental sciences and neither consent to disclosure has been revoked by the subsequent filing by a parent

of an affidavit stating that the information should not be disclosed.

(6) Notwithstanding the provisions of subsections (4) and (5), if a parent named on the original birth certificate of an adopted person has died, and at any time prior to the death the parent has filed an unrevoked affidavit with the department of health and environmental sciences stating that the information on the original birth certificate should not be disclosed, the adopted person may petition the court of original jurisdiction of the adoption proceeding for disclosure of the original birth certificate. The court shall grant the petition if, after consideration of the interests of all known persons involved, the court determines that disclosure of the information would be of greater benefit than nondisclosure.

DATE 1/17

COMMITTEE ON Judiciary

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppo
GUNNID SNODGRASS	The A.A.R.M. Network, Inc	92	X	
JO GLASS	The A.L.A.R.M. Network, Inc	92	X	
BILL GLASS		92	X	
Paule Vandenberg	Self	92	X	
Albert Vandenberg	self	92	X	
Betsy Stimetz		92		
BILL DRISCOLL	MONTANA INTERAGENCY ADOPTION COUNCIL	92		X
GARY FORSETH	LD3 Social Services	92		X
Tom King	Senate Dist 48	92		X
Marilyn McKelhen	Catholic Social Services	92		X
Sherron Stewart	self	92	X	
Trudy Eaton	Self	92	X	
Mike Sherwood	MTCA			
Ryan Asay	Mt. Family Solution	92		X
Peggy Colman	BUTHIRAN Soc Services	92		X

(Please leave prepared statement with Secretary)