

The Judiciary, State of Hawaii

Testimony to the Senate Committee on Human Services

Senator Suzanne Chun Oakland, Chair Senator Les Ihara, Jr., Vice Chair Tuesday, February 8, 2011, 2:00 p.m. State Capitol, Conference Room 016

by
Judge Sabrina S. McKenna
Deputy Chief Judge / Senior Family Court Judge
Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 1510, Relating to Adoption Records.

Purpose: Provides that after a child is adopted, the birth certificate includes the names of the adoptive parents and the natural parents. Changes existing law to provide for access to confidential adoption records, under certain circumstances.

Judiciary's Position:

The Judiciary takes no position on this bill but respectfully provides the following comments.

This bill amends the existing law to remove the adoptive parent's prerogative to decide whether the birth certificate of an adopted child or adult will include the names of the adoptive parents and the birth parents. The bill, instead, mandates that the birth certificate of adopted persons include the names of the adoptive and natural parents. This mandate may run afoul of the constitutionally protected rights of privacy for the adoptee, the adoptive parents, and the birth parents.

When adoptions occur, both sets of parents and the adoptee rely on the law, existing at the time of the adoption, to establish the parameters of confidentiality. If the intent of the



Senate Bill No. 1510, Relating to Adoption Records---Senate Committee on Human Services Tuesday, February 8, 2011 Page 2

Legislature is to honor this expectation, then this bill may need to clarify that these new provisions are to be applied to new adoption cases only.

Thank you for the opportunity to provide testimony on this matter.



P.O. Box 10304 Honolulu, HI 96816-0304 Phone: (808) 591-3834 info@adoptioncirclehawaii.org

February 8, 2011

TO: Senator Chun Oakland, Chair

Senate Committee on Human Services

FR: Adoption Circle of Hawaii

RE: S.B. No. 1510

Relating to Adoption Records

The Adoption Circle of Hawaii (ACH) SUPPORTS S.B. No. 1510

ACH is a core group of volunteer members of the adoption triad – adoptees, adoptive parents, and birthparents - who are committed to assisting other members of the triad who are seeking to re-connect with family members lost due to their adoption.

For some members of the triad, they lack such basic information as ethnic or racial heritage and medical or genetic profiles. Others want to know their story — what happened during their time apart — why did it happen — can they re-new a relationship with the family members they have found?

Just over twenty years ago, in 1990, the Hawaii state legislature passed one of the more progressive laws in our country, allowing access to adoption records for adoptees whose adoptions were finalized in 1991 or thereafter. However, for those adoptees whose adoptions were finalized before 1991 are required to endure an intermediary search that can cost them between \$600 to over \$1,200 to request access to their adoption records.

When did it become shameful to be adopted – to be an adopted parent – or to relinquish a child for adoption? Ironically, the shame of adoption was institutionalized when most states sealed adoption records, in the mid- 20^{th} century. This was an early attempt to "assimilate" adoptees into their birth families by keeping secret the identities of the birth family from the adoptive family and vice versa.

The best practices of adoption have evolved since that time. Most child placement agencies practice some form of "open" adoption, where information about ethnicity, race, medical and genetic information is shared, as well as some identifying information about the parties to the adoption. What remains, are outdated state laws that seal adoption records and amend original birth certificates of adoptees to include only

their adoptive parents' names, resulting in what some adoptees have called the "original identity theft".

ACH believes it is time to remove unnecessary government intervention in adoption records, once the adoptee reaches the age of adulthood. It's time to treat all members of the adoption triad with respect, by allowing the parties to the adoption to make a written request to the court for access to the adoption records and allowing such access to all adult parties, and retaining birthparent information on the amended birth certificates.

Mahalo for your consideration of our testimony.

Sincerely,

Tom Moore, President of Adoption Circle of Hawaii (Signed)

From:

mailinglist@capitol.hawaii.gov

Sent:

Monday, February 07, 2011 10:46 AM

To: Cc: HMS Testimony niki@landgraf.net

Subject:

Testimony for SB1510 on 2/8/2011 2:00:00 PM

Testimony for HMS 2/8/2011 2:00:00 PM SB1510

Conference room: 016

Testifier position: support
Testifier will be present: No
Submitted by: Niki Landgraf

Organization: Adoption Circle of Hawaii

Address: Honolulu, Hawaii

Phone:

E-mail: <u>niki@landgraf.net</u>
Submitted on: 2/7/2011

Comments:

I am a birth mother. I found my daughter when she was 20 years old. She is now forty. My multi-ethnic daughter was raised by a Caucasian family on the mainland. After we met, she moved to Hawaii to attend UH and to explore her roots, with the blessing of her adoptive parents. They visit regularly, and have even stayed in my home. I may not be " Mom", but my sons are her brothers, and her children call me Tutu. She also has an on-going relationship with her birth father and his family. My daughter had 4 sets of parents at her wedding! I felt I had come full-circle when I traveled to China with her and my son-in-law when they adopted their first daughter. Having my daughter and her adoptive family in my life has brought me great joy and peace. I know she feels this way as well.

<u>Testimony in support of Senate Bill 1510 RE:</u> <u>Adoption Records</u>

As a birth mother who re-united with her son after 27 years under another state's law, I can't impress upon the committee enough how important it is for Hawaii to change its antiquated state laws. The separation trauma concomitant with adoption (for both child and mother) is immeasurable and has been well researched and documented over the past two decades. Access to one's birth records and reunions are not only invaluable to the emotional healing process but, can also be a life saving measure regarding inherited medical maladies. I urge you to change Hawaii State laws relating to adoption records and help thousands of people become 'whole' again. To know one's heritage is a human and civil right not to be impeded.

Respectfully Submitted, Gina Bailey, Ph.D.

From:

mailinglist@capitol.hawaii.gov

Sent:

Friday, February 04, 2011 7:50 AM HMS Testimony

To: Cc:

HMS Testimony avallone@lava.net

Subject:

Testimony for SB1510 on 2/8/2011 2:00:00 PM

Testimony for HMS 2/8/2011 2:00:00 PM SB1510

Conference room: 016

Testifier position: support
Testifier will be present: No
Submitted by: Charlene Avallone

Organization: Individual

Address: 1001 Koohoo Place Kailua

Phone: 808-261-1140

E-mail: <u>avallone@lava.net</u> Submitted on: 2/4/2011

Comments:

From:

mailinglist@capitol.hawaii.gov

Sent:

Monday, February 07, 2011 10:56 AM

To:

HMS Testimony kolekolea@gmail.com

Cc: Subject:

Testimony for SB1510 on 2/8/2011 2:00:00 PM

Testimony for HMS 2/8/2011 2:00:00 PM SB1510

Conference room: 016

Testifier position: support
Testifier will be present: No
Submitted by: Jennie Peterson

Organization: Individual

Address: 3935 Round Top Dr. Honolulu, Hawaii

Phone: (808)223-7185

E-mail: kolekolea@gmail.com
Submitted on: 2/7/2011

Comments:

I am a birth mother who whole-heartedly supports the right of EVERY adult adoptee, no matter when they were born, to have access to their original birth certificate. All adult adoptees deserve the same access. Many times I have heard the excuse that birthmothers were promised confidentiality. I have never met a birthmother who received that promise, and certainly none with any documentation. I do not believe it is legal or moral if that promise was made, that it extend forever regardless of the legitimate rights of adoptees.

I am at this moment at my mother's death bed. There is very little that could pull me aside even for a short time, but this issue is of such immense importance that I have stepped away to submit this testimony. Please support SB1510 and permit all adoptees the right to their full identity.

Sincerely,

Jennie Peterson

Frhom: Sam McLeod [mailto:sammcebt@yahoo.com]

Sent: Friday, February 04, 2011 5:31 PM

To: Sen. Suzanne Chun Oakland **Cc:** adoptioncirclehawaii@hotmail.com

Subject: S.B. No. 1510

TO: Senator Chun Oakland,

Chair, Senate Committee on Human Services

FR : C. Samantha McLeod
Tallahassee, FL

RE: S.B. No. 1510
Relating to Adoption Records

Dear Sir:

I am submitting testimony in SUPPORT of S.B. No. 1510.

The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. When family members are disconnected, it ripples through the successive generations until someone has the courage to begin a search. Choosing to search for members of birth family lost to adoption is not unlike genealogical research conducted by any family.

The sealing of adoption records by state governments that began in the 1940's is an antiquated policy that does not comport with current information sharing practices. Once the adopted individual reaches adulthood, the adoption has "expired" in that there is no compelling state interest in withholding information from the adult parties to the adoption because there is no longer an adopted "child" to protect.

Finally, Hawaii's unique history with "hanai", where birthparents share the parenting of their children with the hanai (adoptive) family, should serve as a model to promote sharing of information between parties. Hanai encourages acknowledgment of the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Many local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest in their native Hawaiian heritage or nor support traditional practice.

From:

mailinglist@capitol.hawaii.gov

Sent:

Saturday, February 05, 2011 9:08 PM

To:

HMS Testimony zebra126@gmail.com

Cc: Subject:

Testimony for SB1510 on 2/8/2011 2:00:00 PM

Testimony for HMS 2/8/2011 2:00:00 PM SB1510

Conference room: 016

Testifier position: support
Testifier will be present: No
Submitted by: Annmarie Pascuzzi

Organization: Individual

Address: 126 Stephenson Blvd. New Rochelle, NY 10801

Phone: (914) 400-9614 E-mail: <u>zebra126@gmail.com</u> Submitted on: 2/5/2011

Comments:

I am writing in support of S.B No.1510, not as an adoptee, but as a friend of one of the " Chosen ones " as I like to call them . From knowing her, I know how important family, OHANA, is to her. She loves the parents who chose her, but she still longs, and needs, to know more about the family that gave her life. Like an unfinished story, without the right and the ability to get access to her full birth records, there are missing pages and chapters of her story, her OLELO. I know she is not the only adoptee who feels this way. All of Hawaii's, indeed the WORLD'S " Hanai" should have the right, if they so choose, to know their story. I feel this is important to adoptees, both on an emotional and also a PHYSICAL level. I myself have an autoimmune disease, a genetic chromosomal birth defect, and a strong family history of pancreatic cancer. I personally know how important a full medical history of your family is. Many adoptees have little or no medical history in case of a medical issue or emergency. There is no way to know what medical screenings are particularly important for the adoptee to have. Devastating enough for the adoptee, doubly so for a potential CHILD of an adoptee who would be affected by something medical that could have been prevented if the issue was known to exist in the health history ahead of time. What about adoptees that meet someone and fall in love, only to find out too late, that they are actually related?. If full information was forthcoming, these things would not happen. I urge you to pass this bill on behalf of all the stories yet to be told....

From:

Sent:

mailinglist@capitol.hawaii.gov Sunday, February 06, 2011 4:58 PM

To:

HMS Testimony

Cc:

sammcebt@yahoo.com

Subject:

Testimony for SB1510 on 2/8/2011 2:00:00 PM

Attachments:

Testimony.wps

Testimony for HMS 2/8/2011 2:00:00 PM SB1510

Conference room: 016

Testifier position: support Testifier will be present: No Submitted by: Samantha McLeod Organization: Individual

Address: Phone:

E-mail: sammcebt@yahoo.com Submitted on: 2/6/2011

Comments:

February 6, 2011

MEMORANDUM

TO:

The Honorable Suzanne Chun Oakland, Chair

Committee on Human Services

FROM:

Harry and Doreen Akamine

SUBJECT:

S.B. 1510 RELATING TO ADOPTION RECORDS

Hearing:

Tuesday, February 8, 2011; 2:00 p.m. Conference Room 016, State Capitol

PURPOSE: The purpose of S.B. 1510 is to allow access to adoption records by parties to the proceedings under certain circumstances.

POSITION: We are writing in support of this bill.

The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. When family members are disconnected, it ripples through the successive generations until someone has the courage to begin a search. Choosing to search for members of birth family lost to adoption is not unlike genealogical research conducted by any family.

The sealing of adoption records by state governments that began in the 1940's is an antiquated policy that does not comport with current information sharing practices.

Once the adopted individual reaches adulthood, the adoption has "expired" in that there is no compelling state interest in withholding information from the adult parties to the adoption because there is no longer an adopted "child" to protect.

Finally, Hawaii's unique history with "hanai", where birth parents share the parenting of their children with the hanai (adoptive) family, should serve as a model to promote sharing of information between parties. Hanai encourages acknowledgment of

the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Many local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest in their native Hawaiian heritage nor support traditional practice.

As parents of two adopted children, we have experienced first hand what happens when a child given up for adoption struggles to deal with their feelings of abandonment, rejection and not knowing anything about their birth parents and family. These feelings will last a lifetime and will never disappear. We know of adult adoptees that struggle with these feelings; the ones that have had successful reunification with their birth parents and family are able to deal with this feeling in a positive manner (even though the feelings are still prevalent). The ones that have been unsuccessful continue to struggle.

Therefore, we ask that this bill be passed.

Thank you for the opportunity to comment on this bill.

TO: Senator Chun Oakland, Chair

Senate Committee on Human Services

FR: Gordon W. Mattos, Adoptee

RE: S.B. No. 1510

Relating to Adoption Records

I am submitting testimony in SUPPORT of S.B. No. 1510

I am an adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption.

In my own experience of dealing with sealed adoption records, I was determined to find out more about my biological parents and siblings. It was through the help of the social worker who had worked with my biological mother, that I was fortunate enough to have information that was sealed, to be shared with me by the notes and records that the social worker had from her own files, thereby, circumventing access to sealed adoption records, which still remains sealed, as far as I can remember. This law would have made the searching a whole lot easier.

The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. When family members are disconnected, it ripples through the successive generations until someone has the courage to begin a search. Choosing to search for members of birth family lost to adoption is not unlike genealogical research conducted by any family.

The sealing of adoption records by state governments that began in the 1940's is an antiquated policy that does not comport with current information sharing practices. Once the adopted individual reaches adulthood, the adoption has "expired" in that there is no compelling state interest in withholding information from the adult parties to the adoption because there is no longer an adopted "child" to protect.

Finally, Hawaii's unique history with "hanai", where birthparents share the parenting of their children with the hanai (adoptive) family, should serve as a model to promote sharing of information between parties. Hanai encourages acknowledgment of the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Many local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest in their native Hawaiian heritage or nor support traditional practice. Thank you for the opportunity to present this testimony in hopes that the current laws will be changed to reflect current approaches of the promotion of sharing of information between parties involved in the adoption process. Mahalo for your consideration of this bill.

TO: Senator Chun Oakland, Chair

Senate Committee on Human Services

FR: Melvia Rodrigues, mother of two adult adopted daughters

Kaneohe, Hi

RE: S.B. No. 1510

Relating to Adoption Records

I am submitting testimony in SUPPORT of S.B. No. 1510

My husband and I were born and raised here. I am native Hawaiian. When we found out we could not have children biologically, we were lucky to adopt two girls, one through an agency, and one through a doctor. Both girls were part Hawaiian.

When our children were still very young, their pediatrician asked me if I planned to inform them about their adoption. I told him we would share with them all the information we were given and help them to get their birth information in any way we could.

We gave our children the information that was given to us by the agency and the attorney. When our oldest daughter started to search for her biological family, we discovered the information that was given to us by the agency was inaccurate. Fortunately our daughter persevered and found out the truth. My youngest daughter passed away before she could find her biological family. Her son, my grandson, wants to know his biological history.

Having access to their adoption records the government keeps sealed would make the search for adoptees much easier. It's not the adoptee's fault for not knowing and having their information. It is the adults that put them in that situation. Knowing their biological parents and their family heritage is the only way for adoptees to feel whole. The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. When family members are disconnected, it ripples through the successive generations until someone has the courage to begin a search.

Choosing to search for members of birth family lost to adoption is not unlike genealogical research conducted by any family. Some of our Hawaiian kupuna had their own way of keeping records. My grand uncle kept his records in his Bible. Whenever a new family member was born, he would record the information in his Bible. My two adopted daughters do not have a Kupuna's Bible to look into to see their genealogy.

Thank you for allowing me to submit this testimony. Please consider approving this bill.

TO: Senator Chun Oakland, Chair

Senate Committee on Human Services

FR: Alton Castillo, spouse of an adoptee

Kaneohe, Hi

RE: S.B. No. 1510

Relating to Adoption Records

I am submitting testimony in SUPPORT of S.B. No. 1510

I am a spouse of an adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption.

My wife was adopted as an infant to a very wonderful and supportive family that met all her needs whether it be through schooling and a wonderful home life. It was sad to see her separated from her birth parents, but she would have probably suffered from a life of neglect if she was raised by her birth family. She searched and found her birth family and it helped to give her answers. This information is also our children's information as their mother's history is also their history.

Questions can't be answered by sealed adoption records. And the questions don't stop at "who you are or where you came from" There are important questions that need for inheritance, medical reasons, etc.

There are many questions that reside in adopted people's lives and it can be remedied by opening up records that will reveal answers to questions and heal them.

TO: Senator Chun Oakland, Chair

Senate Committee on Human Services

FR: Ms. Erin Iwalani Castillo LCSW, DCSW

Licensed Clinical Social Worker,

RE: S.B. No. 1510

Relating to Adoption Records

Testimony in SUPPORT of S.B. No. 1510

I am an adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption.

I was born and raised here in Hawaii. I was adopted by a loving local couple who deeply cared for me and my adopted sister. We grew up knowing we were adopted. I attended and graduated from Kamehameha Schools. I attended and graduated from the University of Hawaii, School of Social Work, Master's Program.

When the law was enacted in 1991, it was time for me to search. I was surprised to find out that I did not have access to my adoption records with the passage of the new law. I had to go through the intermediary process and I had to spend time and money to obtain my birth history.

My adopted parents supported me in my search and met my birth family. Overall, it has been a positive experience, tinged with sadness as my birth parents had already passed away. I now have connections and answers to my past that has helped me in my future. I can now pass on my true genealogy to my two children that I gave birth to and are now rearing.

I am also a licensed clinical social worker and over the years have participated in collaborations and conferences that have supported openness in adoption practices. Here in Hawaii we have a long standing tradition of "Hanai" where children are raised by family or close family friends. Hanai serves as a model to promote sharing of information between parties. Hanai encourages acknowledgment of the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest in their native Hawaiian heritage or support Hawaiian traditions.

Adopted people should have the same access to their genealogical information as non-adopted people. It is unjust for any state or country to single out one group of adult citizens by the passage of laws that serve to conceal the true circumstances of

their births. It is time to remove unnecessary intervention in adoption records, once the adopted person reaches the age of adulthood.

Once an adopted person reaches adulthood; the adoption has "expired" in that there is no compelling state interest in withholding information from the adult parties to the adoption because there is no longer an adopted "child" to protect.

It's time to treat all members of the adoption triad with respect, by allowing the adult parties to the adoption to make a written request to the court for access to the adoption records, and retaining birthparent information on the amended birth certificates.

Thank you for the opportunity to submit my testimony.

Tuesday, February 8, 2011

TO: Senator Chun Oakland, Chair

Senate Committee on Human Services

FR: Jacquelyn Wesolosky

Kaneohe, Hawaii

RE: S.B. No. 1510

Relating to Adoption Records

I am submitting testimony in SUPPORT of S.B. No. 1510

I AM A BIRTHMOTHER. I have never said these words in any public forum. Until 2008 I had never said these words to anyone outside my family.

I gave birth to my only child in 1966. My son was adopted three days after. I went back to the University and slowly attempted to remade myself. I found a new passion in teaching which endured until this very day. In 1970 I 'adopted' the children of Hawaii. And for 40 years they have been the principal recipient of all of my energy. It has been rewarding and exhilarating.. I was a biology teacher with the State Department of Education. In 2000, I retired from Roosevelt High School. In the last ten years I teach..in a voluntary capacity.

In July 2008 my son and I found each other. Both of us had tried to initiate contact numerous times over a span of 20 years, but we had been foiled with each attempt. There has been anguish and there has been confusion with laws which deny adoptees open access to their original identity, medical history, culture, genetics. Secrets are kept rather than allowing this history to merge with the new history they are creating with their adoptive family. Shame and fear have been the mountains that I have had to overcame and without a doubt it was my students who allowed me to mask both and build bridges that allowed me to be productive and maybe even significant. Our adoption laws do not rule as to what is fair and compassionate in life. They are judgmental as they are presently written...judgmental as to who is able to access their birth and adoption documents. They are judgmental as to who is right and who is wrong and who must be protected and from what. Children born before 1991 have rights as citizens of this state and they are the same rights as children born after 1991. It is the same with the birthparents and the adooption family. Whether a child is born before or after 1991, they have equal right. It is imperative to strike down any law that says they do not. legislative body have the opportunity to change this situation.

If I could somehow transform the happiness and goodness and the heeling that I progressively feel now that my son and I have been reunited into a beautiful painting to hang in the Honolulu Academy of Art or into a clever play for the Kumu Kahua theater or into a spectacular motion picture that you can watch through netflix....this is what I would give to this honorable body of lawmakers as my testimony. All four of my sons parents are now in his life-so are his genetic sibs and aunties and uncles...his identity is now complete and now I believe he will truly sore in his life beyond his own hopes and expectations. The energy that he has had to put into making sense of a life that was never a complete picture have been consuming at times. So has the paperwork, the time, the disappointments. Finally that energy can go into being a productive and energetic member of society, of his community...and isn't this the energy that we as 'the people' need and want to encourage?

I am a member of the Adoption Circle of Hawaii. The support has been invaluable, because truly:

- 1. The act of adoption has a lifelong impact not only on the immediate parties involved with the adoption but for the generations that follow.
- 2. The sealing of adoption records by the State government that began in the 1940's is an antiquated policy that ignores 70 years of academic research and contemporary information sharing practices for all members of the adoption triad. Once the adopted individual reaches adulthood...the adoption is 'expired' in a sense. The secrecy and lies need to also expire and be eliminated for the sake of all the concerned parties.
- 3. Finally Hawaii's unique history of "hanai" where birthparents share the parenting of their children with the hanai or adoptive family, should serve as a model to promote sharing of information between parties. 'Hanai' encourages acknowledgment of everyones role in raising children, in contrast to the western approach of keeping secrets and sealing records, 'FOR THE SAKE OF THE CHILDREN.'

DATE: February 8, 2001; Rm. 16, 2 pm

TO: Senator Chun Oakland; Chair and

Senate Committee on Human Services

FR: Amanda Lowrey, Ph.D. (808.551.5643)

55 S. Kukui St. #310D, HNL, HI 96813

RE: S.B. No. 1510 Relating to Adoption Records

I am submitting testimony in SUPPORT of S.B. No. 1510

I am an adoptee and president of Korean Adoptees of Hawai'i (KAHI) who supports allowing access to sealed adoption records to those who are parties to the adoption.

After being left in front of a bank with no identifying information, I was in an orphanage for a year before I was adopted from Korea to the United States in 1976. I have conducted a search and still have no information about my Korean family. Today it is taken for granted that adoptees will become naturalized citizens and have information provided to them about their birth parents. This, however, is not the case in all situations. I understand why birth parents might wish to keep their information secret. However, we deserve, as adults, the right to know about our first families, their medical history, and to choose to contact them if we so wish. Although those of us who are adopted internationally have many more obstacles than domestic adoptees to overcome during their birth search, that does not mean domestic adoptees have any less of a difficult time.

The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. When family members are disconnected, it ripples through the successive generations until someone has the courage to begin a search. Choosing to search for members of birth family lost to adoption is not unlike genealogical research conducted by any family.

The sealing of adoption records by state governments that began in the 1940's is an antiquated policy that does not comport with current information sharing practices. Once the adopted individual reaches adulthood, the adoption has "expired" in that there is no compelling state interest in withholding information from the adult parties to the adoption because there is no longer an adopted "child" to protect.

Finally, Hawaii's unique history with "hanai", where birthparents share the parenting of their children with the hanai (adoptive) family, should serve as a model to promote sharing of information between parties. Hanai encourages acknowledgment of the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Many local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest in their native Hawaiian heritage or nor support traditional practice.

Thank you for this opportunity to testify.

February 8, 2011 2 p.m.

To: Senator Chun Oakland, Chair

Senate Committee on Human Services

From: K. McGlone

Re: SB 1510 Relating to adoption records

SUPPORT SB 1510 to allow parties to an adoption to access their records.

I am supporting this bill as someone with both personal and professional knowledge about adoption. I am an adoptee. I also have a PhD in social welfare and have studied child welfare issues, especially adoption and foster care.

The outmoded concept of illegitimacy, resulting from a woman giving birth outside of marriage, is the root of how US adoption records became sealed. In the 1930s and 1940s, states amended birth certificates to substitute the adoptive parents' names in the place of the birth parents. This action was to protect adopted persons born to unmarried mothers from the stigma of being considered "illegitimate" by the public (Donaldson, 2010). The sealing of the original birth certificate was a way to keep the family information for the child with the expectation that the adopted person would return later to request this information. After World War II, the focus shifted from confidentiality (protection from public scrutiny) to secrecy, which prevented access even by those involved in the adoption. The Donaldson Institute reports (2007, 2010) attribute various reasons for these changes, including the social mores of the time.

In 2011, it's no longer the state's interest to protect adopted children when they are no longer children and they as adults want to know their origins. Young children or babies that were adopted did not consent to the terms of their adoption.

The Child Welfare League of America (CWLA, 2000) in their standards for adoption services called for agencies to support efforts and promote policies to ensure that adults who were adopted have direct access to identifying information about themselves and their birth parents. CWLA said this information is essential to adopted adult's identity and health needs. Also, adopted persons have a right to know who their parents are. All other adults and adopted persons in Hawai#i born in 1991 or after when they reach 18 have access to their original birth certificates. This legislative reform seeks to open this information only to the parties directly involved.

Many birth parents do not want to be anonymous to the children they relinquished for adoption. And they do not oppose adopted adults access to their original birth certificates (Donaldson Institute, 2010).

With open records in Scotland since 1930, England since 1976, New South Wales Australia, and Oregon, there is no indication that adopted persons have misused their information or that birth parent families have been harmed (Carp, 2007). Similarly, we have not heard of any offenses with Hawaii's intermediary

system, established in 1991. Carp's study of the effect of open records found a "vast gap" between the *fear* of what would happen with access to birth information and the actual *reality*.

If the State claims it wants to protect birth parents, it warrants a closer examination of what the State is protecting them from. The birth parent of a child who is now at least 18, would be at least in their thirties. Birth parents may have strong feelings, which may include loss, regret, isolation (if they kept it secret), shame, and guilt to name a few. Birth mothers might have felt abandoned by the baby's father leaving or their family not supporting their keeping the baby. Is it really State interest to shield birth parents from facing their feelings that might surface when the reality of their relinquished child contacts them? Dire consequences are unlikely to result from the adult facing their feelings and the consequences of their actions years ago. This is not a State matter. All involved are now adults who negotiate contact and relationships with everyone in their lives.

These are a few of the reasons I support SB 1510 to allow access to birth records for adult adopted persons. I urge you to support this bill. Thank you.

References

Carp, Wayne (2007). Does opening adoption records have an adverse social impact? Some lessons from the U.S., Great Britain, and Australia, 1953-2007. *Adoption Quarterly* (10), 3/4, p29-52.

Child Welfare League of America (2000). Standards of Excellence for Adoption Services. Washington, DC: Author.

Evan B. Donaldson Adoption Institute (2010). For the records II: An examination of the history and impact of adult adoptee access to original birth certificates. Policy & Practice Perspective. New York: Author. http://www.adoptioninstitute.org/research/2010 O7 for records.php (downloaded 2-6-11)

Evan B. Donaldson Adoption Institute (2007). For the records: Restoring a legal right for adult adoptees. New York: Author. http://www.adoptioninstitute.org/publications/2007_11_For_Records.pdf (downloaded 2-2-11)

From:

Sent:

brian coyle [lbk808@gmail.com] Monday, February 07, 2011 8:39 AM HMS Testimony S.B. 1510

To:

Subject:

Dear sirs' or madams',

My name is Brian Coyle and as a korean adoptee with no access to my records or history I strongly support bill S.B. 1510s passage.

From: Ravenboo126@aol.com [mailto:Ravenboo126@aol.com]

Sent: Saturday, February 05, 2011 9:17 PM

To: Sen. Suzanne Chun Oakland **Cc:** jaymita2003@yahoo.com

Subject: I am submitting testimony in SUPPORT of S.B. No. 1510

TO: Senator Chun Oakland, Chair

Senate Committee on Human Services

FR: Annmarie Pascuzzi, 126 Stephenson Blvd. New Rochelle, NY. 10801

RE: S.B. No. 1510

Relating to Adoption Records

I am submitting testimony in SUPPORT of S.B. No. 1510

I am writing in support of S.B No. 1510, not as an adoptee, but as a friend of one of the "Chosen ones" as I like to call them . From knowing her, I know how important family, OHANA, is to her. She loves the parents who chose her, but she still longs, and needs, to know more about the family that gave her life. Like an unfinished story, without the right and the ability to get access to her full birth records, there are missing pages and chapters of her story, her OLELO. I know she is not the only adoptee who feels this way. All of Hawaii's, indeed the world's "Hanai" should have the right, if they so choose, to know their Story. I feel this is important to adoptees, both on an emotional and also a PHYSICAL level. I myself have an autoimmune disease, a genetic chromosomal birth defect, and a strong family history of pancreatic cancer. I personally know how important a full medical history of your family is. Many adoptees have little or no medical history in case of a medical issue or emergency. There is no way to know what medical screenings are particularly important for the adoptee to have. Devastating enough for the adoptee, doubly so for a potential CHILD of an adoptee who would be affected by something medical that could have been prevented if the issue was known to exist in the health history ahead of time. What about adoptees that meet someone and fall in love, only to find out too late, that they are actually related?. If full information was forthcoming, these things would not happen. I urge you to pass this bill on behalf of all the stories yet to be told....

TO: Representative Jon Mizuno, Chair House Committee on Human Services

FR: Teresa Palmer Williamson

RE: H.B. No. 1407

Relating to Adoption Records

I am submitting testimony in SUPPORT of S.B. No. 1510

I am an unofficial adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption.

I was not technically or legally adopted; however I did grow up in a foster situation and was kept from my birth family. I grew up under a cloud of lies about who I am and where I come from. This led to a lifelong feeling of abandonment, insecurity and distrust that still effects me at age 47. I did not have access to my medical history or the circumstances surrounding my premature birth until well into my 30's. This is what also happens when legal adoptees are not allowed access to their own birth records which would name their birth mother and in some cases their birth father. Every human being should have the legal right to know who they are and where they come from.

The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. When family members are disconnected, it ripples through the successive generations until someone has the courage to begin a search. Choosing to search for members of birth family lost to adoption is not unlike genealogical research conducted by any family.

The sealing of adoption records by state governments that began in the 1940's is an antiquated policy that does not comport with current information sharing practices. Once the adopted individual reaches adulthood, the adoption has "expired" in that there is no compelling state interest in withholding information from the adult parties to the adoption because there is no longer an adopted "child" to protect.

Finally, Hawaii's unique history with "hanai", where birthparents share the parenting of their children with the hanai (adoptive) family, should serve as a model to promote sharing of information between parties. Hanai encourages

acknowledgment of the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Many local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest in their native Hawaiian heritage or nor support traditional practice.

From:

mailinglist@capitol.hawaii.gov

Sent:

Monday, February 07, 2011 10:16 AM

To: Cc: HMS Testimony kkipnis@hawaii.edu

Subject:

Testimony for SB1510 on 2/8/2011 2:00:00 PM

Testimony for HMS 2/8/2011 2:00:00 PM SB1510

Conference room: 016

Testifier position: support
Testifier will be present: Yes
Submitted by: Kenneth Kipnis

Organization: Individual

Address: 2916 Date St., #6E Honolulu, HI 96816

Phone: 8087320072

E-mail: kkipnis@hawaii.edu
Submitted on: 2/7/2011

Comments:

TO: Senator Chun Oakland, Chair

Senate Committee on Human Services

FR: J. Takane, Honolulu 96822

RE: S.B. No. 1510

Relating to Adoption Records

Aloha, I am submitting testimony in SUPPORT of S.B. No. 1510

I am an adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption.

The myth is that babies adopted at birth or shortly thereafter would not be affected by their relinquishment nor their adoption; that by shielding that child from words like "illegitimate" would prevent them from carrying that stigma, giving them a "clean slate" as they entered their new families, so the sealing and amending of birth certificates began. But what wasn't realized was that in doing so, shame was still instilled into the adoption process. For only things that are shameful are mired in secrecy and lies, locked behind closed doors. So I grew up, although being told that I was given up out of love, although being adopted by a loving family, feeling ashamed and unwanted nonetheless. For being loved had not kept me from being given up.

Given what I believed about my adoption, it took a certain amount of courage to start the search process. But what I got in return was so much more. I learned that my very conservative Japanese birth mother always believed that when I reached either 18 or 21, I would automatically be given her information. She was never promised confidentiality and could not understand why I would, as an adult, be denied information about myself. I connected with siblings who thought nothing of calling me "sister". Where once, I had to mark those medical questions with a single answer...adopted, I cheerfully could tell the doctor that liver cancer and diabetes runs in my family. Most other non adopted persons would not feel so happy with this knowledge but the sense of freedom that was given to me by the information I now had about myself can't even be adequately put into words. The tremendous burden of not knowing was finally lifted, the freedom from the secrecy and lies finally allowed us both to be what we always were, just humans, trying to come to grips how a single event changed our lives forever.

I am an adult and no longer the "adopted child" in need of protection by a government entity. I, like my non adopted citizens, should have a right to have access to my information for this information doesn't just impact myself, but any children and future generations I might have. My birth parents are also adults. The government should have no legal interest in shielding them from the choices they made nor should they have any input in deciding whether or not there should be contact. Those are decisions better left to the adults involved.

February 8, 2011

TO: Senator Chun Oakland

Chair

Committee on Human Services

FR: L.A.J. Young

Honolulu HI 96824

RE: Support for S.B. 1510

Aloha! Please accept this statement of my strong support for S.B. 1510, to allow access to adoption records for parties to the adoption, upon written request, and to allow adoptee's amended birth certificates to include accurate information about their birth family

I was raised by adoptive parents who took me home from the same hospital where my birthmother signed her relinquishment papers. I was blessed to have a loving adoptive family; two parents, one sibling, an extended ohana. However, this could not erase the sadness that grew stronger as I realized that my birthmother had given me away; I could not understand what was so wrong that she couldn't raise me.

As a college freshman, I began a decade-long search that eventually lead me to re-connect with my birthmother and other family members. My search was emotionally challenging and many people did not understand why I needed to do this. Fortunately for me, my adoptive mother was interested in genealogy and she assisted me with my search, even though I know it was difficult for her as well. I believe that the sharing of my search experience strengthened the bond that we share as mother and daughter.

Upon finding her, my birthmother sent an immediate reply to my letter requesting family history, including ethnic, racial, and medical information. Thus began a 20-year relationship that ended in 2009 with her passing at the age of 87. Through my birthmother, I met several cousins with whom I visit regularly, and two uncles (brothers of my birthfather), who have been willing to share information about that side of my birth family.

I also learned that if my birthmother had remained married to my birthfather, I would have been exposed to substance abuse, domestic violence, and poverty that my birthmother was able to escape only after relinquishing me. Sadly for her, while she likely saved our lives, her grief from this difficult decision remained with her throughout her life. In her honor and memory, I remain dedicated to helping triad members heal by providing emotional support and advice to others searching for family members lost due to adoption.

Once an adopted individual reaches adulthood, there is no compelling state interest for the family court to be involved in preventing parties to the adoption from viewing their own family records. The adult parties to the adoption should be allowed to address the consequences of the adoption as adults. Whether they meet (or not), whether they like each other (or not), that should be left to the adults to sort out together (or not).

Further, the state Department of Health should not be required to replace the birthparent's names with the adoptive parent's names as if to erase the facts of one's birth. It's disrespectful to the parties involved in the adoption and does not support sharing of information between birth and adoptive families that is in the best interests of the adopted individual.

Mahalo for taking the time to read my testimony and I hope you will be supportive of this measure.

George M. Takane Attorney-at-Law 3233 Pinaoula Street Honolulu, Hawaii 96822 Ph. No. (808) 988-4284

Date: February 8, 2011

TO: Senator Chun Oakland, Chair

Senate Committee on Human Services

FR: George and Maile Takane, Honolulu, 96822

RE: S.B. No. 1510

Relating to Adoption Records

Aloha, my wife and I are respectfully submitting the following in support for the enactment of S.B. No. 1510, allowing access to sealed adoption records by the interested parties.

We are adoptive parents who support allowing access to sealed adoption records to those who are parties to the adoption.

On a personal note, it wasn't until our daughter was full grown and we were attending a support group, the Adoption Circle of Hawaii, that she revealed her struggles with being adopted. Never really knowing why she was given up has been a source of great pain and adversity. What we learned is that we and all the love we had for her could not replace the loss of her birthparents, her medical history, her genealogy and we could not answer any questions regarding this. The only thing we could do is support her in whatever way possible to reunite her with them so that she could finally get her answers and be able to heal. Luckily with our help, she was reunited with her birth mother and got many of the answers she'd been looking for all her life.

As both an adoptive parent and a lawyer who was once Chief Clerk of the House of Representatives, I find the so-called compelling state interest in withholding information from the adult parties through sealed records is not only archaic but has been detrimental and a great disservice to those seeking their birth origin, especially where information on one's health and ethnic origin are essential but not readily available under current laws. I should know because when my daughter was still a baby, she had a condition that the doctors could not diagnose. It would have incredibly helpful and less stressful as parents to be able to pick up the phone and call her birth family to ask those critical medical and genetic questions. We never did find out what it was she had and were just lucky that it ending up not being life-threatening. So as adoptive parents, it is just as important for us to know and have contact with the birth family.

The enactment of SB 1510 will address, ease and remove the anxiety, uncertainty, pain and suffering the current statute is inflicting upon those who wish to have access to their birth records.

Thank you for taking the time to read our testimony and we ask that you please support this bill.

Aloha, George and Maile Takane (signed)

From:

mailinglist@capitol.hawaii.gov

Sent:

Monday, February 07, 2011 11:57 AM

To:

HMS Testimony

Cc:

sagostinelli@hawaii.rr.com

Subject:

Testimony for SB1510 on 2/8/2011 2:00:00 PM

Testimony for HMS 2/8/2011 2:00:00 PM SB1510

Conference room: 016

Testifier position: support Testifier will be present: No Submitted by: Sue Agostinelli Organization: Individual

Address:

Phone: 808-623-5597

E-mail: sagostinelli@hawaii.rr.com

Submitted on: 2/7/2011

Comments:

I am a birthparent who supports allowing access to sealed adoption records to those who are parties to the adoption.

From:

mailinglist@capitol.hawaii.gov

Sent:

Monday, February 07, 2011 12:35 PM

To:

HMS Testimony

Cc:

doctordarrow@hotmail.com

Subject:

Testimony for SB1510 on 2/8/2011 2:00:00 PM

Testimony for HMS 2/8/2011 2:00:00 PM SB1510

Conference room: 016

Testifier position: support
Testifier will be present: No
Submitted by: Darrow Hand
Organization: Individual

Address: Phone:

E-mail: doctordarrow@hotmail.com

Submitted on: 2/7/2011

Comments:

Dear Sen. Suzanne Chun Oakland, Sen. Les Ihara, Jr., Vice Chair and Committee members.

My name is Darrow Hand. I am writing in strong support of SB 1510 relating to adoption, in part because closed adoption laws detrimentally affected my family.

I believe everyone has a right to see their own birth certificate, especially when they have reached 18 years of age. It is important for everyone to know their family's medical history and heritage. It is important for their own identity development to know where they came from.

I have heard that the purpose of closed records is for privacy protection. In a 2007 study published in Adoption Quarterly, "the results of this investigation reveal that a vast gap exists between the fear by birth parents and adopted adults that their privacy will be invaded and their family disrupted and the reality that few or no offenses are committed." [Emphasis original]

In 2007 my mother received a phone call out-of-the-blue from her sister that no one in the family had known existed. My aunt went to great efforts to track us down. I was excited and thrilled that she had found us. I think it's unfortunate that I was deprived of the opportunity to grow up knowing my aunt.

Honest communication is important in creating healthy relationships. I don't think it's appropriate for the State of Hawai'i to block communication and detrimentally affect our relationships.

Thank you for the opportunity to testify. Darrow Hand Honolulu, HI

DATE: February 8, 2001; Rm. 16, 2 pm

TO: Senator Chun Oakland; Chair and

Senate Committee on Human Services

FR: Linda Wong

Adoption Circle of Hawaii, Honolulu HI

RE: S.B. No. 1510 Relating to Adoption Records

I am submitting testimony in strong SUPPORT of S.B. No. 1510. I am a member of the Diamond Head Neighborhood Board but am not testifying on their behalf. I am a retired member of the Department of Education.

I am an adoptee who supports allowing access to sealed adoption records to those who are parties to the adoption in Hawaii, born after 1981.

I have been looking for my birth family since 1988 without success. I have joined many national and local associations for help to no avail. I feel I deserve to know my medical information and some information concerning my origin. My birth mother's name on legal records is Agnes Amelia Santos. I do wish some info could be revealed to me by Catholic Charities or the Courts. I feel there is an ongoing movement that will open all adoption records one day soon so why not start now? There are many birth mothers in our Adoption Circle and I think they understand our unyielding questioning to know something about our medical issues and birth family. Just to know that I look like another would be an accomplishment. It seems like my origin is a big black hole and I am an amputee instead of an adoptee. Please consider these comments as they are the sentiments of many adoptees who have not "found" any part of their birth family. I feel birth and medical information is our birth right.

The act of adoption has a lifelong impact not only for the immediate parties to the adoption, but for the generations that follow. My niece wants to know my sister's origin as my sister is also "hanai". My niece wants to know for her children and their rights.

The sealing of adoption records by state governments that began in the 1940's is an antiquated policy that does not comport with current information sharing practices.

Finally, Hawaii's unique history with "hanai", where birthparents share the parenting of their children with the hanai (adoptive) family, should model to promote sharing of information. Hanai encourages acknowledgment of the various roles of all the individuals in contrast to the western approach of keeping secrets and sealing records. Many local foster placement and adoption programs have encouraged family members of native Hawaiian children to care for these children, and sealing adoption records does not serve these children's long-term interest. Thank you for this opportunity to testify.

Linda Wong 3071 Pualei Circle Dear Sen. Suzanne Chun Oakland, Sen. Les Ihara ,Jr., Vice Chair and Committee members,

I wish to support SB1510 as I was so fortunate that a sister born in NYC in 1950 was able to locate me at the furthest reach of the USA, here at my home in Honolulu in 2007. I vividly even now recall picking up the phone to a strange woman's voice and I still get so emotional thinking of her call. She was 56. While it does shake the ground one stands on, I would never have wanted to forfit that call because --WHY--because I am too OLD? As we get older there are fewer and fewer people newly met we admit to immediate intimacy... the first view of your newborn's face.

I should say that my sister feels that access to birth records be restricted to persons age 21 due to the impact on the family members. I was fortunate that she had spoken to our brother before me; I think there's always an occasion for doubt by the family, and since I was later, I had no such feelings. As one of us subsequently said, "Nobody would voluntarily choose to be a member of THIS family unless they really were."

As we hung up our first telephone call, I told my sister,"Our Mom died when I was 19. There hasn't been a day that I haven't missed her and if you are bringing me a new aspect of her, I can't thank you enough." I flew back to White Plains, NY to meet her. I was quite rude. Her eyes are brown, while Mom's were hazel but they were the same shape. And I hadn't seen that 'look' for so many years. It took be by surprise. I just couldn't stop studying this total stranger's eyes. I knew she was kin; the DNA test later told me nothing different.

Thank you for the opportunity to testify,

Julianna FreeHand

Honolulu, HI

From:

mailinglist@capitol.hawaii.gov

Sent:

Monday, February 07, 2011 4:01 PM

To:

HMS Testimony

Cc: Subject: tercyk002@hawaii.rr.com Testimony for SB1510 on 2/8/2011 2:00:00 PM

Testimony for HMS 2/8/2011 2:00:00 PM SB1510

Conference room: 016

Testifier position: support
Testifier will be present: No
Submitted by: Karyn Tercy
Organization: Individual

Address: 2047 Nuuanu Ave. #601 Honolulu, HI

Phone: 524-9180

E-mail: tercyk002@hawaii.rr.com

Submitted on: 2/7/2011

Comments:

To HMS [Senate Comm. on Hu Svcs]. Rm 016, for 2/8/11 2p.

Aloha,

I am Deborah Kimball, adoptee. I have enjoyed the benefits of the Adoption Circle of Hawai'I, but I do not today speak for it.

I support SB1510.

Should you amend state adoption law provisions, and thus choose truth, justice and respect for adoptees? Yes, because...

1. Secrets and lies. Deborah Kimballl is the name on my certificate of birth. But my name at birth was not this—it's a name stuck on me 2 years and 2 months after my birth, after I knew my birth name and I had an identity, and after I had lost my "natural" Imother and after I was torn from my foster parents. The parents named on that certificate were not and could never be my "natural" parents. This state stigmatiZes and disrespects adult adoptees seeking their own truth.

Truth, justice and respect. We adult adoptees are human enough and adult enough to have free access to our actual certificate of birth, our medical history, and our ethnicity like any other person. We want our truths, to deal with as legal adults like any other "normal" citiZens.

2. Secrets and lies were devised many decades ago to supposedly "protect" birth parents and adoptive parents, with disregard for or ignorance about adoptees. We had already suffered great losses; the state added the loss of the truth of our own heritage. We are haunted by Where did I come from? Who am I? Why was I rejected? Could that person (ANYone) be a blood relative? History, culture, home, place, and family background were and are denied to slaves, to babies human-trafficked and kidnapped. Adoptees are put—consciously, legally!--in this group without human rights!

Truth, justice and respect. Parents opted, in theory, to be parents and to reject or to adopt; we adoptees never opted to be born, or rejected, or adopted. We want the respect that we do not receive with secrecy and "protections." We are no longer legally powerless babies; we deserve legal truth, justice and basic human rights.

3. Secrecy and lies for the sake of the reputation and feelings of parents keep us "bastards" stigmatiZed and the "victims" of birthparent actions. Even as adults, we are treated as people who cannot be trusted and/or do not deserve to know our own truths of origin. What hideous--or noble--pasts do we have that must be a state secret? Or why is adoption "bad" such that its proceedings are secret? No wonder many of us feel like outsiders and alienated; lack identity; have trouble bonding, trusting and making attachments!

Truth, justice and respect demand that the state recogniZe adoptee losses inherent in adoption and never add burden onto adoptees' quests to be "normal," with the rights to records of all other citiZens. Please free our access to our own records.

4. Secrets and lies cause many in the adoption triad to spend years of their lives agoniZing and/or searching—a totally unnecessary waste of our money, life and spirit caused by the state! And only the few "lucky" ones gambling win. The state's keeping these secrets and lies are a terrible burden and waste for us.

Truth, justice and respect heal us. Many "natural" parents want Truth. Many adoptive parents recogniZe that their adoptees' Truth, justice and respect help to heal alll of us.

Truth, justice and respect you can now easily vote in. Please pass SB1510.

Mahalo.