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PUBLIC HEARING
before
ASSEMBLY INSTITUTIONS, HEALTH & WELFARE COMMITTEE
ON
ASSEMBLY, NO. 2051
(ADOPTION)

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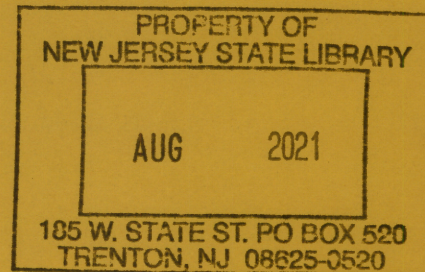
Held:
December 9, 1981
Assembly Chamber
State House
Trenton, New Jersey

MEMBER OF COMMITTEE PRESENT:

Assemblyman George J. Otlowski (Chairman)

ALSO:

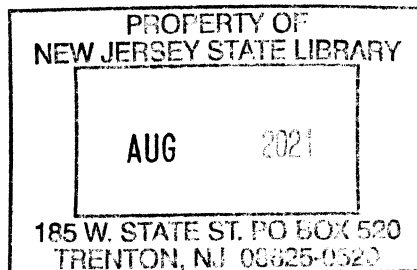
John D. Kohler, Research Associate
Office of Legislative Services
Aide to Assembly Institutions, Health & Welfare Committee



* * * * *

I N D E X

	<u>Page</u>
Assemblyman Albert Burstein 37th District New Jersey State Assembly	2
Assemblyman Thomas J. Deverin 21st District New Jersey State Assembly	6
Betty Lipman Executive Director Childrens Home Society of New Jersey	9
Florence Fisher President ALMA	10 & 1x
William Pierce President National Committee for Adoption	11
John Boyne Executive Director Spaulding for Children	12 & 11x
Alison Ward New Jersey Based Search & Support Group	14
Toni McHugh President New Jersey Committee for Adoption	15 & 21x
Linda Burgess Certified Social Worker	17
Reverend Robert Vitillo Catholic Family & Community Services	18 & 22x
Dr. Richard Sharrett Board of Trustees United Family & Childrens Society	19 & 23x
Sandra Musser Concerned United Birthparents	20 & 25x
Rita Martin President New Jersey Right to Life Committee	22 & 30x
Cyril Means, Esq. Professor Attorney for ALMA	23



I N D E X - Continued (Page 2)

	<u>Page</u>
Judy Heatly Director Birthright	25
Carol Gustavson Board Member of Adoption Triangle Ministry	26 & 32x
Herbert Wieder, M.D. Founder of Adoption Studies Center, S.U.N.Y.	27
Laurel Cohen, R.N. Member of ALMA	29
Rick Perry Director Latter Day Saints' Social Services of New Jersey & New York	31
Mary Ann Cohen Member of C.U.B.	31
Debra Oliver Legislative Liaison for Adoptive Parents Organization	33
Aurela Fule, Ph.D. United Presbyterian Church	34
Harold Cassidy, Esq. Attorney for ORIGINS and C.U.B.	35
Thomas Roche, Esq. New Jersey Committee for Adoption	36
Elinore Crocker Adoptive Parent	37
Carol Asche Adult Adoptee	39
Cora Driggs Found Birth Mother	40
Elizabeth Omand, Ph.D. Biologist Adoption Forum	41 & 32x
Stephen L. Carlson Edna Gladney Agency	43
Evelyn Zeimetz Birth Mother and Co-Founder, ORIGINS	44

I N D E X - Continued (Page 3)

	<u>Page</u>
Penny Partridge Adoptee; Adoptive Parent; Clinical Social Worker; and, President, American Adoption Congress	45
Milo A. Moore Adoptive Parent Member, New Jersey Committee for Adoption	47
Pam Hasegawa Adoptee, and Coordinator, New Jersey Chapter, ALMA Society	48 & 37x
Marsha Riben Birth Mother	51
Marie A. Foti Chairman Concerned Adoptive Parents of New Jersey	52
Betty Allen, Ph.D. Adoptee, and New Jersey School Psychologist	53
Thomas McGinn Adoptive Parent	55
Elizabeth Cook Birth Mother	56
Mary Hauptman Birth Mother	57
JoAnn Morella President Parents of United Family & Childrens Society	58
Alicia Giesa Birth Mother	59
Gerard Thiers Director Department of Social Concerns, New Jersey Catholic Conference	61 & 53x
Colleen Martin Adult Adoptee Member of ALMA	63
Barbara Foyle Vice President Adoptive Parents Organization of Trenton, and Adoptive Parent	65

I N D E X - Continued (page 4)

	<u>Page</u>
Letter and Cablegram from Albert Burstein Assemblyman, District 37	55x
Letters from Dr. John A. Rocco Assemblyman, District 6	58x
Letter from James and Dorothy Davis Englishtown, New Jersey	62x
Letter from (Mrs.) Annette L. Whelan Fanwood, New Jersey	64x
Letter from Mark and Gail Seely Berkeley Heights, New Jersey	65x
Phyllis Ettinger, ACSW Children's Aid and Adoption Society of New Jersey East Orange, New Jersey	67x
Letter from (Mrs.) Barbara T. Tremitiere, ACSW Director Adoption Services Tressler-Lutheran Service Associates, Inc. York, Pennsylvania	68x
Letter from Kathrine Loewenberg East Brunswick, New Jersey	70x
Letter from Pamela J. Moore Lambertville, New Jersey	71x
Letter from Andrea F. Mansfield Hamilton Square, New Jersey	72x
Letter from Dorothy W. Smith Roselle Park, New Jersey	73x
Letter from James H. Chesnutt Executive Presbyter The Presbytery of Newton Dover, New Jersey	74x
Letter from Gerald J. Meaney Point Pleasant, New Jersey	75x
Letter from Jeffrey L. Faue, ACSW Executive Director National Association of Social Workers, Inc.	76x
Letter from Robert T. Newbold, Jr Associate Stated Clerk The United Presbyterian Church Riverside Drive, New York	78x

I N D E X - Continued (Page 5)

	<u>Page</u>
Letter from Mark Seely Berkeley Heights	81x
Letter from (Mrs.) Joanne DeSanto Edison, New Jersey	83x
Letter from Franklin Desposito, M.D. Director, Division of Genetics Associate Professor of Pediatrics College of Medicine and Dentistry of New Jersey	84x
Letter from Barbara S. Hedlund	86x
Letter from Martin & MaryAnn Chapkosky Newton, New Jersey	88x
Letter from Annette Judith Stampone	89x
Letter from Victoria Rose Viggiani Kearny, New Jersey	91x
Letter from Patricia Horn O'Brien Stratford, Connecticut	93x
Letter from Donald E. Hinshaw Chief of Records Bureau of Vital Statistics State of Kansas, Department of Health and Environment	95x
Letter from Martin Brandfon, Esq. New York, New York	98x
Letter from Zellig Bach, Ed.D. Psychologist Caldwell, New Jersey	101x
Letter from Reuben Pannor Co-Director, Adoption Research Project Los Angeles, California	104x
Letter from Robin Stevenson Point Pleasant, New Jersey	106x
Letter from Laurie D. Barbieri Point Pleasant, New Jersey	107x
Letter from Carol A. Meaney Point Pleasant, New Jersey	108x

I N D E X - Continued (Page 6)

	<u>Page</u>
Letter from Erna Mohr Calverton, New Jersey	109x
Letter from Diane S. Scott Silver Spring, Maryland	111x
Letter from Catherine Keeler Winchester, Virginia	116x
Letter from Thaddeus and Patricia Niemiec East Brunswick, New Jersey	117x
Letter from Patricia Huff Red Bank, New Jersey	120x
Letter from Mary Alice Comiskey Piscataway, New Jersey	121x
Letter from Barbara Dyl Kearny, New Jersey	124x
Letter from (Mrs.) Joan M. Flynn	126x
Letter from Ann V. McPherson Monmouth Junction, New Jersey	127x
Letter from (Mrs.) Cyril Penn Jamaica, New York	130x
Letter from William J. Schreiber Paramus, New Jersey	134x
Letter from Sue Ippolito	137x
Letter from Betsy Billamy	138x
Letter from Richard E. & Susan D. Frey	140x
Letter from Frances I. Germann	141x
Unanimous Letter	144x
Statement from Jean Andersen Assistant to the ALMA-New Jersey Coordinator Mendham, New Jersey	147x
Statement from Elsa Peterson Wallington, New Jersey	150x

I N D E X - Continued (Page 7)

	<u>Page</u>
Statement from Martha E. Houck Bedminster, New Jersey	152x
Statement from Sandra Nairn Hopewell, New Jersey	153x
Statement from Elizabeth B. Asper formerly of New Jersey	157x
Statement from Percy Stapleton Jersey City, New Jersey	159x
Statement from Barbara Donnelly Hopatcong, New Jersey	161x
Statement from Clare Johnston Adoption Forum of Philadelphia	163x
Statement from Julie Bissey Coordinator of Pennsylvania-South Jersey Branch Concerned United Birthparents	165x
Statement from Emily K. Uptegrove Hackettstown, New Jersey	168x
Statement from Judith Ciurczak Denville, New Jersey	170x
Statement from Barbara Hannon Fair Lawn, New Jersey	174x
Statement from Linda Kretschmer Demarest, New Jersey	176x
Statement from Judy Richter Vincentown, New Jersey	179x
Statement from Lisa Pollack Wallington, New Jersey	184x
Statement from Mary Jane Burns Lodi, New Jersey	185x
Statement from Sandra Nairn Hopewell, New Jersey	186x
Statement from M. V. Farrell	190x

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ASSEMBLY, No. 2051

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 29, 1980

By Assemblyman BURSTEIN

Referred to Committee on Institutions, Health and Welfare

A SUPPLEMENT to "An act concerning the adoption of children and revising and repealing various parts of the law relating to adoption," approved February 6, 1978 (P. L. 1977, c. 367, C. 9:3-37 et seq.) and repealing section 16 (C. 9:3-52) of said act.

1 *BE REENACTED by the Senate and General Assembly of the State*
2 *of New Jersey:*

3 1. a. Records compiled pursuant to the provisions of this act,
4 and the act hereby supplemented or compiled in relation to pro-
5 ceedings under said acts shall be retained in safekeeping, by any
6 court and any approved agency compiling such records, for at least
7 99 years after the attainment of majority of the child who is the
8 subject of the records, for the purpose of assuring their availability
9 to parties who have a right to information contained in such rec-
10 ords.

11 b. If an approved agency which has compiled records pursuant
12 to this act and the act hereby supplemented terminates its opera-
13 tions within this State, it shall transfer all such records to the
14 Department of Human Services, which shall retain said records
15 for at least 99 years from the attainment of majority of the young-
16 est child who was the subject of the records or proceedings.

17 c. The Department of Human Services shall establish and main-
18 tain a repository for all records transferred to it pursuant to sub-
19 section b. hereof.

20 2. Birth certificates. a. Upon the entry of a judgment of adop-
21 tion, the court shall order the preparation of an amended birth
22 certificate for the adoptee, except where the adoptive parents re-
23 quest that the adoptee's original birth certificate not be amended
24 or where the court for good cause directs other wise.

25 b. (1) The amended birth certificate prepared by the State
26 Registrar shall contain the following information:

- 27 (a) the full name of the adoptee;
28 (b) the sex of the adoptee;

10 (c) the date and time of birth of the adoptee;

11 (d) the hospital in which the adoptee was born and the name
12 of the physician attending at the birth;

13 (e) the county and the municipality in which the adoptee
14 was born and, if applicable, the country of birth;

15 (f) the full names of the adoptive father and the adoptive
16 mother;

17 (g) the dates and places of birth of the adoptive father and
18 adoptive mother; and

19 (h) the signature of the person issuing the amended birth
20 certificate.

21 (2) In no case shall the amended birth certificate state that the
22 adoptee was born to or is the biological child of adoptive parents.

23 (3) Where information required pursuant to subsection (1)
24 hereof is not known, the amended birth certificate shall contain
25 the notation "unknown."

26 (4) An amended birth certificate prepared and filed pursuant to
27 this section shall be the official birth certificate for the individual
28 named therein and shall be used for all purposes for which a legal
29 birth certificate is necessary.

30 c. The original birth certificate on file in the Office of the State
31 Registrar shall be sealed immediately upon the filing of the amended
32 certificate prepared pursuant to this section, and shall thereafter
33 be retained by said office. Except as provided in subsections (d)
34 and (e) of this section, the original birth certificate shall not be
35 open to inspection by any person.

36 d. An original birth certificate, sealed pursuant to this section,
37 shall at any time be opened as a matter of right, to the birth parent
38 whose rights were terminated or to the adult adoptee upon appli-
39 cation to the Office of the State Registrar. The applicant shall be
40 provided a true copy of the original certificate, without official
41 certification and bearing a notation indicating that the original
42 certificate has been amended. Any filing or reference system nota-
43 tion on the original birth certificate which might lead to the dis-
44 covery of an amended birth certificate shall not be revealed to the
45 applicant.

46 e. Where the name of the birth father does not appear on the
47 original birth certificate, nothing in this section shall prevent the
48 addition of the name of such a father to a certificate which has
49 been sealed pursuant to this section. The court shall order that
50 the name of the birth father be entered on the original birth cer-
51 tificate, provided that the following requirements are met:

52 (1) The putative father must petition the court for the entry of
 53 his name on the original birth certificate;

54 (2) Actual notice of the filing of such petition must be served
 55 upon the mother named on the original birth certificate, if she is
 56 living; and

57 (3) The court must make a finding of paternity based upon a
 58 hearing at which the birth mother of the child may testify regard-
 59 ing the claim of paternity. This provision shall not be construed
 60 to require the appearance of the birth mother for paternity to be
 61 determined.

62 f. To the extent that any of the provisions of this section con-
 63 flict with the provisions of R. S. 26:3-40.1 or of any other law, the
 64 provisions of this section shall supersede the provisions of R. S.
 65 26:3-40.1 or of any such other law.

1 3. Court records. a. Notwithstanding any other law concerning
 2 public hearings and records, all court files containing records of
 3 judicial proceedings conducted under this act and the act hereby
 4 supplemented, and social and medical records submitted to the court
 5 in such proceedings, shall be kept in separate locked files withheld
 6 from public inspection. Upon application to the clerk of the court,
 7 such records shall be open to inspection by any party to the par-
 8 ticular proceeding who is an adult at the time application is made
 9 for inspection, by the attorney of any such party, or by any agency
 10 which has exercised guardianship of the person or legal custody
 11 of a child who was a party to the particular proceeding.

12 b. For purposes of this section, "party to the particular pro-
 13 ceeding" means:

14 (1) In a proceeding to terminate parental rights, the parent
 15 whose rights were terminated and the child with respect to whom
 16 parental rights were terminated;

17 (2) In an adoption proceeding, the adoptive parents and the
 18 adoptee; however, when access to adoption records is provided
 19 to the adoptive parents, identifying information on the parent
 20 whose rights were terminated shall be deleted.

21 c. Records of approved agencies. a. Any reports, correspon-
 22 dence, intake records, case histories, or other materials compiled or
 23 maintained by approved agencies in making placements for adoption
 24 and while participating in adoption proceedings shall be confiden-
 25 tial and not be loaned or otherwise made available, except to persons
 26 authorized specifically entitled by law to use or obtain them.
 27 b. "Records for placements for adoption" shall include volum-
 28 es, files, memorandums and other terminations of parental rights,

9 provision of services to parents whose rights were terminated or
10 adoptive parents or a potential adoptee, and foster care placements
11 immediately preceding adoptive placements.

12 b. Access to approved agency records shall be granted by the
13 agency upon application of a person who presents proof of his
14 identity and legal entitlement to such access as set forth in this
15 section.

16 c. A person is entitled to access to agency records upon a show-
17 ing that:

18 (1) The applicant is an adult, and

19 (2) The requested record or records:

20 (a) were compiled or received in preparation for a court
21 proceeding to which the applicant was a party, or pursuant
22 to a court order in such a proceeding;

23 (b) were compiled or received in a study or investigation
24 of the applicant pursuant to the provisions of the act hereby
25 supplemented; or

26 (c) contain information concerning the applicant and refer
27 to the applicant by name or specific description; but the ap-
28 plicant shall be entitled to access only to such specific infor-
29 mation, and not to the entire record in which such information
30 is contained, if the applicant is not otherwise entitled to such
31 record.

32 d. Records or information to which access would otherwise be
33 granted under subsection c. above shall not include:

34 (1) Information which identifies the parent whose parental
35 rights with respect to the adoptee were terminated, if the applicant
36 is the adoptive parent; and

37 (2) Information which identifies an adoptive parent or the name
38 and address of an adoptee, if the applicant is the parent whose
39 parental rights with respect to the adoptee were terminated.

40 e. Access to the records of an approved agency shall be granted
41 to public authorities as specified herein:

42 (1) The Department of Human Services or other public agency
43 purchasing services for children from a voluntary agency shall
44 have access to the active files of children for whom services are
45 purchased.

46 (2) The department shall have access to all active files of any
47 approved agency, as necessary for the maintenance of its approved
48 status.

49 (3) A public authority may have access to closed files of an
50 approved agency only by order of a court, upon a finding of good

51 cause therefor. Closed files may include those of children with
 52 respect to whom parental rights were terminated but who have
 53 not been adopted, and of children who have been adopted.

54 f. (1) In any case where access to the entire record is not to be
 55 granted, it shall be the duty and responsibility of the approved
 56 agency to examine the record in question prior to its being made
 57 available, and to delete from the material made available anything
 58 to which the applicant is not entitled pursuant to this section 4
 59 of this act.

60 (2) In providing records of information to persons or agencies
 61 pursuant to this section, an agency may delete material which, if
 62 disclosed, would constitute a violation of the privacy of another
 63 person. It shall not be a violation of the privacy of a parent whose
 64 rights were terminated for a record to reveal the identity of such
 65 parent to his adult son or daughter.

66 g. Any applicant denied access to approved agency records or
 67 information pursuant to this section shall be informed that he has
 68 a right to appeal the decision of the agency to the superior court.
 69 Upon a prima facie showing of legal entitlement, the agency shall
 70 have the burden of proving why the applicant is not entitled to
 71 the requested records or why information would violate the privacy
 72 of another person.

73 h. All applications contemplated herein shall be valid and effec-
 74 tive only if in writing, and if notarized or certified.

1 5. a. (1) If an approved agency or court exercising a duty to
 2 retain records under section 1 of this act receives correspondence
 3 or other information or material pertaining to the persons or pro-
 4 ceedings about which such records were compiled, the correspon-
 5 dence, information, or material shall be included as a permanent
 6 part of the record being retained by such agency or court.

7 (2) A person granted access to records pursuant to sections 3
 8 or 4 of this act who objects to or wishes to clarify information
 9 contained therein may submit a written statement of that objection
 10 or clarification to the court or agency having possession of such
 11 records; such statement shall be included, but shall not supersede
 12 any existing material in the record.

13 b. If the information received by an agency or court under sub-
 14 section a. of this section discloses a medical or genetic condition
 15 which has or may have implications for the physical or mental
 16 health of a person, the agency or court shall make a diligent effort
 17 to locate such person and transmit the information received.

17a c. When an agency is contacted by a birth parent seeking in-
 18 formation or contact with a person who, as a child,

- 19 (1) Was relinquished to that agency;
 20 (2) Was placed for adoption by that agency;
 21 (3) Was the subject of a court proceeding for which said agency
 22 compiled a report; or
 23 (4) Was the responsibility of said agency;
 24 the agency shall make a reasonable effort to search for said person
 25 and inform him or her of the parent's request, unless at the time
 26 of the request the person who is the subject of the requested in-
 27 formation or contact is not yet an adult.
- 1 6. Treatment of records; penalty. a. Anyone granted access to
 2 records under this act shall be entitled to examine such records and
 3 any information therein, but shall not willfully remove, alter, multi-
 4 late, destroy or otherwise tamper with the files, documents, or
 5 other materials contained therein.
- 6 b. A person who knowingly obtains or discloses information or
 7 aids and abets another in obtaining or disclosing information or
 8 who willfully destroys or fails to record or preserve information
 9 in violation of the provisions of this act, shall be punished by a
 10 fine of up to \$10,000.00 or up to 6 months imprisonment, or both.
- 11 c. Nothing in this subsection shall be construed to prevent an
 12 approved agency or court from providing copies of records or
 13 portions thereof to persons to whom access has been granted.
- 1 7. Retroactivity. The rights of access to records established by
 2 this act shall have retroactive effect, and shall not be limited by
 3 reason of prior law or assurances of confidentiality not required
 4 by this act.
- 1 8. Section 16 of P. L. 1977, c. 367 (C. 9:3-52) is repealed.
- 1 9. This act shall take effect immediately.

STATEMENT

This bill supplements our State Adoption Act to incorporate as part of that act the recommendations of the Federal Model Adoption Panel with regard to the safekeeping, maintenance and confidentiality of adoption records and birth certificate information maintained by the courts, approved adoption agencies and State and local registrars of vital statistics.

ASSEMBLYMAN GEORGE J. OTLOWSKI (Chairman): My name is George Otlowksi. I am the Chairman of the Committee on Institutions, Health and Welfare. On my right is John Kohler, the Aide to the Committee. Let me just make a brief announcement about some of the ground rules that we are going to follow this morning:

We are here to conduct a hearing on Assembly Bill 2051, sponsored by Assemblyman Albert Burstein. The subject of the Bill is quite familiar to all of us; it is an issue which is a deeply emotional one. It is a matter that touches all parties concerned. The Committee sitting before you today wants to hear all the viewpoints of this issue, and as a matter of fact, a record will be compiled. It will be a printed record, and John Kohler will have something to say about that in a moment. It will be made available to Committee members and to those people who make the request for the printed record.

Allow me to point out in all the time that I have been in the legislature, never has a single issue engendered so much interest, so much mail, so much controversy as the subject of this bill. As a result of this, I am going to lay down certain ground rules concerning the presentation of testimony. With the exception of a short break for lunch, the hearing will run to 4:30 this afternoon. With the exception of the legislators testifying, everyone testifying will be limited to five minutes because of the length of the witness list. This will be strictly enforced right to the second. Many people will not have the opportunity to testify today; anyone who does not testify may submit written testimony for the public record. The testimony should be sent up to -- will be extended to December 23 -- and it can be made available to John up until December 23. That is to John Kohler, Office of Legislative Services, Room 401, State House, Trenton, New Jersey, 08625. If you are not heard, if your testimony isn't taken or not submitted, you have until December 23 to get it to John Kohler. The Committee hopes that the testimony presented today will provide a little better perspective to the problems faced by adoptees, birth parents, and adoptive parents. At the very least, I hope by the day's end, we will all have a better understanding and respect for each other's point of view on this subject. With that in mind, I am ready now to ask Mr. Kohler just to make any comments that I may have overlooked.

MR. JOHN KOHLER: There will be a transcript of this public hearing and it will probably be finished sometime in early January. Anyone who would like to receive a copy -- on that metal chair back there is a yellow pad -- you could print your name and address and I will be happy to send you a copy.

The second thing is, if anybody has to leave early or would like to submit written testimony today, on that same metal chair is a manila folder, please include a copy of your testimony in that folder or send it to me by the twenty-third of December. Again, my address is Room 401, Office of Legislative Services, State House, Trenton, 08625.

ASSEMBLYMAN OTLOWSKI: One other thing that occurred to me, if you are going to be submitting written testimony, I suggest that you don't read it because you are going to submit it anyhow. You might just want to use the written testimony as notes for yourself because we'll have the written transcript from you in any event.

With that, I am going to call on Assemblyman Albert Burstein. Before I do, I just want to -- and I am not revealing the position that I am taking on this Bill, because as the Chairman I just want everybody to feel that I have an open mind on this until after the hearing, and I probably will not take any position until the Committee is sitting. And when the Committee is sitting to discuss the bill, I will probably take a position at that time, but I want everybody to feel that for the moment I have an open mind on this subject. Before I call on Mr. Burstein, whom I had the

pleasure to sit next to in this session - he is leaving the Legislature at the end of this term - in my opinion, whether you agree or disagree with him, he has been one of the most outstanding legislators that I have had the opportunity to meet and to be associated with in my eight years of service in the Legislature. He is a legislator that is always thoroughly prepared; he is very articulate in presenting his point of view; he has always been very fair and very open; and as a matter of fact, I said to him earlier this morning that there is a quality that is going to leave this legislature when he leaves. I just wanted to say that this morning because I probably will never have the opportunity to say this publicly again before this Legislature terminates. With that, I want to present or call upon my friend and colleague, Assemblyman Albert Burstein.

A L B E R T B U R S T E I N: Thank you, Mr. Chairman and ladies and gentlemen. It is hard to know how to begin after that kind of an introduction. Anything I say from this point onward has got to be a letdown, but I will do the best I can with respect to this Assembly Bill 2051.

Before I begin, Mr. Chairman, and again, not in the sense of scratching one another's backs - I think the general public tends to think we do that all the time - but it has been a mutual pleasure serving with you. I am going to miss it a great deal down here, but duty calls to other places and I have to go on to other things.

Before leaving the legislature - and I must express my appreciation to you and to the Committee for having scheduled this public hearing on A2051 - I would like to leave with some sense of my understanding of what the issue is in this very, as you put it, "emotional field" of endeavor, whether anything is done in this section of the legislature or not. I dare say it is much too late in the game to expect action through both Houses and then to the Governor's hands at this stage in the session. Hopefully what is going to be said here today on both sides of the issue, and there are reasonable arguments on both sides of the issue, will provide a beginning point at least in New Jersey for consideration of something that I think profoundly affects quite a number of citizens, and those citizens in my view at least, make a compelling demand upon the on-coming legislature to respond to their particular needs.

Let me say that -- as is evident here today -- from the mail that have continually received, Mr. Chairman, in connection with the introduction of this Bill, there is little else that I know about or have come across during my service in the Legislature that touches the deepest feelings of people. You are, after all, addressing what is commonly called the "adoption triangle" which involves a birth parent a child and an adoptive parent. I should also point out at the outset that in my view, there are few persons who deserve more in the way of consideration, compassion, than the adoptive parents who undertake voluntarily to bring up a child, usually an infant, but not always. Very frequently it is a child who is somewhat older, a child with special needs who is taken into a home, and that kind of an act is one of the most marvelous and compelling acts that any human being can perform for another. I do have great appreciation for what adoptive parents do and in no way can I conceive that this Bill will do anything that will alter their attitude with respect to adoption. I think quite the contrary when the Bill is fully understood.

I came to the subject when I had been appointed as Chairman of a Committee that was called, "The Model Adoption Legislation Procedures Advisory Panel", a federal body consisting of sixteen people plus myself from around the country, each of them having, perhaps, a vested interest in a particular attitude toward the matter of adoptions. I came upon that scene as a relative neutral, not having had any direct involvement one way or another. That experience taught me many things and brought me to the point

where I sit here today advocating that New Jersey's law be changed so that there can be access to certain kinds of records by certain types of people in a way that would, as an essential matter, open up adoption records to adult adoptees. It would do some other things as well, and I will get to that in a few moments.

The central point of the Bill and the major issues that arrest the attention of the general public and the people who are here today to testify as well is whether or not an adopted child once having become an adult should have the right to search out original records which in turn can lead to the discovery of birth parents. It is my opinion that that right should be accorded to them.

Adult adoptees, of the three parties to this adoption triangle, although we give credence to the phraseology that what is done is for the best interest of the child, are lacking in one very important aspect. That is, what is the course of action legally open to that adoptive child once adulthood is obtained? It is true that the best interest of the child principle is attempted to be applied at the time of infancy, and basically we are talking about infant adoptions and none others because the older child adopted already knows who the birth parents may be for the most part.

And that infant child taken by an adoptive parent is nurtured for at least an eighteen year period before that adopted child now says, "I would like to have information about my antecedents. Do I have living parents, natural parents? Do I have any brothers or sisters, or aunts or uncles? Do I have any kind of an extended family?" That, to me, is the most fundamental need of any that can be addressed with respect to each of the parties who are part of this relationship. That need is aborted by law. That need, and it is not necessarily a psychological need as has been referred to in some of the writings and literature in the field, is simply the fundamental, basic human need to know where you come from. And that to me, it seems, overrides other considerations -- and I am sure you are going to have those detailed today. I will try, as well, to talk about them, to indicate why I think that what I am now discussing supercedes all else.

That basic need is something, as I said, that in New Jersey Statutory Law is forbidden and even by judicial law -- there was one important case that I will make mention of -- even in judicial created law is circumscribed in many important ways. That case, and a very well written one, in 1977 was the case of Mills versus Atlantic City Department of Vital Statistics, a decision by Judge Gruccio in the Chancery Division of Atlantic County, and in that case the judge tried to strike an even-handed balance amongst the rights of the several parties. But in so doing, he fell short of what I believe to be the need on the part of the adult adoptee to have the unrestricted ability without going into court, without the necessity of applying to a judge and showing good cause as to why that need exists, to search out records. Because the burden, even though the court talks in terms of an adult adoptee making an application and then the burden shifting to the state as to why records should not be shown, nevertheless is an encumbrance upon that adult adoptee that ought not exist. It places that adult in a unique position different from all other adults, and that I think is wrong. That is what this Bill, A2051, is attempting to right.

Now let me go over very briefly, Mr. Chairman, what some of the provisions are of the Bill so there is no misunderstanding, because I think from what I have heard in public discussion, there appear to be some misunderstandings about the provisions of the Bill.

It deals in the initial instance with the matter of birth records and how they are to be treated, and essentially, those birth records are still to be sealed. But they are open to the parties who have an interest in them; namely, the birthparent,

because after all, that birth parent knows what is in that record so they would have the right to take a look at the original birth record and the adoptee. The adoptee, under the terms of this Bill, would have the right to look at the original birth record.

The Bill then goes to the matter of court records, because that is another phase of what is encompassed with respect to the matter of adoption. Once more, the adult adoptee would have the right to take a look at the court records, so would the adoptive parents. They would likewise have the right to take a look at court records because the adoptive parents, after all, were a part of that courtroom proceeding.

The Bill next addresses the matter of agency records. And on the matter of agency records, there could be problems with respect to identification as between birth parent and adoptive parent. But the Bill very carefully states that any identifying information as it relates to the birth parent or the adoptive parent, when either or one of them wishes to take a look at agency records, must be eliminated so that there is still that bar as between those two parties to the adoption triangle. That is not the case, however, with the adult adoptee. The adult adoptee would have the right to take a look at agency records for the purpose of pursuing whatever search that adult adoptee wishes to follow through on. That essentially is what the Bill is about.

The arguments that I have heard that are posed against it are weighty, in some respects, flighty in others, but in the overall balance as I have viewed it do not require that we shut aside the right of the adult adoptee. To begin with, the opponents of the bill say that there was a promise of confidentiality normally given to the birth parent at the time the child was given up for adoption. Whether that promise of confidentiality was made or not, and it is very difficult to know in each and every case whether that in fact was true, and in many cases from what I have observed was not true-- Nevertheless, assuming that the promise of confidentiality was rendered, that should not in any way bind an infant. The infant wasn't a party to that promise; the infant adoptee had nobody representing him or her at the time that promise was made. And, at this stage, to say that the promise of confidentiality given eighteen years or twenty-one years before, whatever the time frame may possibly be, should stand in the way of the adult adoptee now being allowed to pursue that kind of a search, I think is an argument that falls of its own weight.

There is the matter of retroactivity. It is stated that the Bill, which has a provision in it to the effect that the effectiveness of the Bill shall be retroactive in that it shall not apply only to prospective adoptions, but to adoptions already having taken place-- And there is criticism of the fact of retroactivity which is a subsection, in effect, of this argument about confidentiality. The problem with that is that if this bill were only to have a prospective effect, it would mean that one would have to wait eighteen years from now if one were to avail himself or herself of the provisions of the law. I cannot believe that there is any rational argument to be made that ought to stand in the way of immediate effectiveness, irrespective of the time of adoption.

It is also said that rather than go "whole hog" with regard to the matter of records and opening access to records, that instead there ought to be intermediate steps to see how it works out; namely, let's have a registry and that would take care of the matter of parents, both adoptive and birth, who voluntarily wish to have one another found out or to have the adult adoptee with access to the record of original birth. The trouble with the registry system is, first, that very few know about it and New Jersey has a registry which is maintained by the Division of Youth and Family Services. Very few know about it; but aside from the matter of knowledge, it does not deal with the matter of the death of a parent so that if there was the death of a natural

parent, the adult adoptee, in effect, would be foreclosed from pursuing a search for whatever reason that person might have in mind, and the registry, in any event, depends upon the voluntariness of two parties. If there is not voluntariness on the part of one party, in effect it gives a veto power to that party with respect to the adult adoptee pursuing the search. So, I don't believe that the registry is a sufficient answer to this problem.

There has been another argument made, namely that there is a potential for disruption of family relationships. I think in some respects, I have heard an element of fearfulness on the part of adoptive parents regarding the possibility of opening up records, that opening up of those records and allowing their child, who they nurtured for these many years, to search out a birth parent, would result in a possible disruption of the relationship between the adoptive parents and the child, and also the possibility of a disruption brought about by the discovery of the birth parent who might want to get in touch with the adoptive parent. I can't say these possibilities are mythical; they do exist. But they are largely based upon the experience of other states hypothetical. There is very little of that that goes on. That experience, incidentally, should provide us with some barometer of the way in which this bill can work if it is enacted into law.

The State of Kansas has had open records for many many years and the reports out of that state from the departments that supervise the operation of that law are uniformly favorable. You don't have the kinds of disruptions that represent the fear that I have just articulated. The State of Montana, the State of Pennsylvania, to some extent, the State of California, to another extent -- all of them, the State of Alabama -- have, in one form or another, provisions that allow access to records, statutory provisions. They do not have the kinds of problems that the opponents of this bill have mentioned.

It is also pointed out that the Nation of Great Britain and Australia have had experience with open adoptions -- Great Britain since the year 1975. You may hear some testimony, I will try to anticipate it today. There was a New York Times article in which it said that the number of adoptions had radically decreased ever since the British Open Access to Records law went into effect, and that concerned me and it concerned the members of the panel -- the federal panel -- on which I serve. Because of that, we had made an inquiry of the relevant British agencies, and I received -- at least one of the members of our panel did -- in response, a letter dated June 10, 1980 from the Association of British Adoption and Fostering Agencies. Without going through the whole letter, let me point out that the reason that statistically it appeared that the numbers of adoptions had dropped in Great Britain after their open records law went into effect, was that the law changed other aspects of statistics keeping so that step parent adoptions, that is where you had one natural parent and one step parent, no longer were considered true adoptions from a statistic keeping -- in a statistic keeping sense. That is why you had that skewing of adoption record results. So, once more, I don't believe that it will have any kind of impact upon the numbers of persons who are willing to adopt children that are available to them.

Another argument that has been made is that opening up records will lead to decisions by the birthparent, or the potential birth parent carrying a child, to elect abortion rather than carry the child to full term, because if they were to be discovered, the theory goes, years later this would be so traumatic to them that they wouldn't want to face up to it -- consequently abortion is the answer for them. There is nothing, whatever, in the records or statistics -- there is no indication

that we have been able to come across, except for the rhetoric of the argument, that would indicate that this is truth what would happen. And there is nothing that I can see that would indicate that would happen.

The decisions with regard to abortion or carrying to full term are not made by the youngster or any person carrying a child on the basis of whether or not they are going to be found out at some later time. The argument is also made -- again, following through on the same line of reasoning -- that if a child is given up for adoption and the person, the natural parent who gives it up, may have given birth out of wedlock and not told the husband about it or other family about it, that this, too, will prove a disruption to that family. That may be true. That may well be true and it has happened. But certainly that should not stand in the way, in my view, of giving the adult adoptee the right to pursue that identity that the adult adoptee wishes to pursue. Because if that so-called disruption, does occur, it is really a small part of the totality of what does in fact occur when you do have discoveries. That brings me to my final point, Mr. Chairman.

The thing that tore at the heart strings, which I guess is the only way one can phrase it, was sitting at the hearings held as a result of the work of the Model Adoption Legislation Panel, and listening to the stories of those adult adoptees who had, in fact, after great difficulty and working against many obstacles, located birthparents, and through those birthparents, other siblings and relatives. It left not a dry eye in the house to hear the stories of those people who were able to come before our panel and to show what the consequences were of their ability to search out their birth families. I think that is the most important reason of all for this issue to continue as an issue, to be focussed upon by the public, to weigh in the balance the kind of marvelous experience as opposed to the risks involved. And, I say candidly to you there are risks. We do things very frequently, legislatively and otherwise, that represent a risk to some element of the population. Right now, the entire burden rests upon the adult adoptee. We close off the rest of the world from that adult adoptee by law, and that is where I think we must and should change. Thank you very much.

ASSEMBLYMAN OTLOWSKI: Thank you, Mr. Burstein. I don't have any questions, I think that you presented the case very thoroughly and very completely and we want to express our appreciation. Thank you very much.

MR. BURSTEIN: Thank you again, George.

ASSEMBLYMAN OTLOWSKI: Is Assemblyman Thomas J. Deverin in the Chamber?

MEMBER OF THE AUDIENCE: Yes, sir.

ASSEMBLYMAN OTLOWSKI: Assemblyman Thomas Deverin is probably the senior member of the Assembly who at one time was Chairman of this Committee. Presently, he is the Speaker Pro Tem and he is taking a position, which obviously will be made known to you when he testifies opposing this legislation, on the adoption of this legislation. With that, Assemblyman Thomas Deverin, we are ready for you.

T H O M A S J. D E V E R I N: Thank you, Mr. Chairman. I want to congratulate you on having the intestinal fortitude to, so late in the season, have a hearing on such a controversial bill. Like you, I would like to let everyone in this room know that the man that just testified -- when they say I am the oldest, I think they mean in years of service, by the way, not in years of age -- and I have been here longer than most anyone and he and I have agreed on ninety-nine percent of our legislation. We disagree occasionally, but that is the Democratic way. I disagree, Mr. Chairman, very much with this bill. I have a very deep concern about this bill. Mr. Burstein in his wisdom and

testimony, talked about the adult adoptee - and the rights of the adult adoptee. He neglected, I am afraid, to talk about the rights of the adoptive parents, the rights of the people who have decided to take into their home this child and to raise this child, and to go through the misery and the happiness and the warmth, and the aggravation of raising a child. Mr. Chairman, if you would just for one minute think about this bill, if this became a law any single person who adopted a child, in all sincerity and with all good intentions, and even the mother who gave up this child, with all good intentions and for some good reason, would, after eighteen years, never know what is going to happen to them. You never know whether this child is then going to say, "Let me find out where I came from". This bill is not necessary in New Jersey. This bill is not model legislation. There is a way in New Jersey to find that out, and if someone has that feeling, let them find it out through the courts.

When they say the infant is not part of the confidentiality in the contract of the triangle, the infant is not part of a lot of things in America. He is not part of the abortion, he is not part of child abuse, he is not part of being put in an institution. The infant is not, but the parent is a part of the adoption and the right of that adopted parent, Mr. Speaker, has to be protected.

Unfortunately in our rush to give rights to everybody, we trample on the rights of somebody else, and that is what we are doing here. Mr. Burstein spoke very eloquently of the testimony of people who can come before a committee and tell of the drama and the happy ending of their search in finding a parent. For those stories, there are hundreds and hundreds of sadder stories of people who went through the same process. And then when they found out, they were sorry they found out. There is no need for this type of legislation. And to say that it will not cut down adoptions, Mr. Chairman, is, I am afraid, a very bad mistake. I don't know of anybody, and it is very difficult because I am not an adopted child, nor do I have any children who are adopted, but I have members of my family who have adopted children, and I am not sure that adoption will not go down; I'm not sure that abortion will not go up; and I am not sure that the whole adoption system in New Jersey will not suffer. You know as Chairman of the Committee, and I know as Chairman of the Committee for a long time, and you see it every day, they even advertise on television for adopting children. Albert mentioned them, the retarded child, the older child -- you can't get those children adopted. It is very easy to adopt the infant. But if we pass a bill like this, I doubt very much if that record of adoption is going to continue, and I doubt very much that people will want to adopt children.

There are so many things about this bill that worry me - the fact of an amended birth certificate. I know the intention of the bill and the wording of that birth certificate sounds great. But all of us, you and I and Albert have sat here a long time, and no matter how you word a bill, it doesn't always come out that way in the final adoption of the rules of that bill. And I am scared to death of that amended birth certificate. If I remember, Mr. Chairman, you were the floor leader in the fight to change the foreign birth certificates of kids who came to America who were adopted, because of the wording of those birth certificates. Where is there a history that anybody who was adopted in America, or in New Jersey, ever had a difficulty with the birth certificate that they use now? Where? Why do you have to have a birth certificate that says, "I am adopted, and I am different than my brother who was not, and I am different than my sister who was not"? We have pending in New Jersey so many pieces of legislation that do away with labels: The label of their children in school that they are mentally retarded, they are emotionally disturbed, they are difficult children and can't be handled. Those labels destroy people. Then why

do we, the New Jersey Legislature, want to make another label and say: "You are different because you are adopted, and we say so because we put it on your birth certificate"? It is not necessary, Mr. Chairman, and it is not fair. I realize that there are people who would like to know who their biological mother or their birth mother was. I realize that, and they can do that.

I also realize that this bill does not address the third part of that triangle. I don't know what will happen to a mother and father who raise a child. I am not sure what will happen to the mother, the birth mother, or the biological mother, who wants to find that child. And when she finds him, what really is to be gained by it? Is it going to change his life? Is it going to change her life to a great degree? But it will change the life of the parent, the adoptive parent, and the bill loses sight of this. I watch, with great admiration, the stories on television. I watched the story of a lady reporter who found her mother after thirty-three years. It was a very moving thing. It was a woman who was thirty-three years old, whose adopted mother and father had died, and she had a right to know that. I watched a great movie one time that wound up in a happy ending, of a child who searched for his mother. I also watched another movie, Mr. Chairman, that if you watched it, it would bring tears to your eyes, of an organization who helped a child, who insisted on a child finding her mother, finding her birth mother or biological mother. And when they did, Mr. Chairman, the door was slammed in her face. That mother did not want to know who her child was. It was a part of her history she wanted closed, and she has a right to keep that closed. And, if this bill is passed, she will not have that right, nor will she have that protection.

I watched in that story the child who found her family try to become part of her sister by saying: "You are my sister". And, she was not her sister. She hadn't seen or heard from her; she didn't know she had a sister. That is the thing that worries me. The tragic part of that story, Mr. Chairman - in that movie - was the mother and father who had raised this child had begged that it not happen.

So, I come primarily to tell you, Mr. Chairman, that there is opposition to this bill in the legislature. There will be very strong opposition to this bill in the legislature. I know it is a bill where all of us are learning that there are no winning sides. No matter what position you take, there is opposition to it. No matter how the bill comes out, someone is going to be very upset and someone is going to be very happy. But if we pass legislation, it should be done with one thing in mind: That it is the best for most of the people in this state - and this bill is not that, Mr. Chairman. This bill primarily is aimed at a handful of people who want to open their records. It has become the by-word in America - "Privacy". Everybody wants privacy in America, and the government sometimes steps into too many places too many times, and we are doing that with this bill.

There is an avenue in New Jersey - the Courts. The case that Albert cited may be. But, there are just as many cases of people going to court and saying, "I want to know where I came from and who I am"; and finding out -- and that is perfectly okay. But once you open the records, Mr. Chairman, you open "Pandora's box". And no matter how sincerely you do this, someone is going to be hurt, and that child is going to be hurt, and the birth mother may be hurt, and the parents who seem to be forgotten in this piece of legislation are going to be hurt.

I watched that adoption series on Channel 7. I am a great fan of Roger Grimsby, the news commentator. I am a very great fan of his. I remember when that series was over, and it was a big surprise, he announced to the American public that he too was an adopted child. He didn't make too many comments about the series, but he did close his little statement by saying, "I only have one mother, and that

is the mother that raised me." And I think, Mr. Chairman, it is very important that the adoptive parent has that protection. Thank you very much.

ASSEMBLYMAN OTLOWSKI: Thank you very much, Assemblyman.

May we hear from Betty Lipman? I just want to point out something I said from the outset. The two Assemblyman of course were given the privilege of Assemblymen. No one else will have that privilege of time that they had. I am going to limit everyone, as I said, to five minutes. Mrs. Lipman, who do you represent?

B E T T Y L I P M A N: I am the Executive Director of the Children's Home Society of New Jersey, an adoption agency that has been in existence for eighty-six years.

ASSEMBLYMAN OTLOWSKI: Okay, good.

MS. LIPMAN: What I would like to say is that our agency is sympathetic to the desires of the adult adoptee to know of his biological heritage. We have been following Judge Gruccio's decision and have been providing extensive services to the adult adoptee including reunions between adoptees and willing birthparents. We are, however, opposed to the present bill because of the many positions which are very unclear regarding the agency's responsibilities.

I might give just a few of the examples which would create big problems:

One is, "birthparent" is not defined. If a man has been named as the father by the birthmother, but paternity has never been established by his acknowledgement or by the court, is he considered a birthparent? Is his identification to be divulged to the adult adoptee? The provisions indicate that giving confidential information to the wrong person is subject to a penalty. There is no way, at this point, that we would know whether this is information that could be divulged.

The deletion or editing of case records is a major undertaking. In order to be sure that we would not violate the privacy of one person in giving some of the information, again we would be treading a very dangerous territory. For instance, our records may have information about biological grandparents. The bill does not address that specifically. Would we be violating confidentiality and the grandparents' right to privacy if this information was divulged to the adoptee?

Another point, we accept the agency's responsibility to act on behalf of the adult adoptee since he was unable to participate in the original planning. We do question the provision that requires an agency to search for the adoptee at the request of the birthparents. We also ask who will decide what constitutes a reasonable search? Who will pay for the cost of these searches, since most of the agencies are voluntary agencies dependent on contributions from the public?

The bill also requires agencies to pass on medical information later received which might have implications to the adoptee. This is a sensible provision and certainly something that any agency would do at the present time. But who is to make the determination that this particular condition warrants passing the information on to the adoptive family?

Another problem that we have, and we certainly have no real solution to this, is that the bill would become retroactive. We know from our own experience that there are many birthparents who do not want to be found and who have never shared with their husbands, or other children, the information that they once placed a child for adoption. We feel that if this bill or any bill similar to this is passed -- and we understand it has to be retroactive -- we feel that there should be a delayed effective date, and that there should be accompanying regulations spelling out procedures for publicizing the change in the law so that all birthparents would know that any prior laws or prior reassurances of confidentiality no longer protect their right to privacy.

These are just a few of the problems which we would have to handle in some way and which we feel are really impossible to effect in this particular bill.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we hear from Florence Fisher, please? Just for the record, give us your name and the organization that you represent.

F L O R E N C E F I S H E R: Mr. Chairman, my name is Florence Anna Fisher. I am pleased to be here today as President and Founder of ALMA, Adoptees' Liberty Movement Association, the largest and the only international organization representing all persons separated by adoption. I am also Author of "The Search for Anna Fisher", the story of my own successful search for my natural parents which was translated into several languages. Nearly 400,000 copies are now in circulation and the film rights have been purchased by Warner Communications.

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

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

It is unconscionable for the agency to influence the mother to root her "new life" in a lie built on the grave of her child's human rights to save her own skin. It is inconsistent with humanity to protect the self interests of the parent by condemning the child to lifelong anonymity.

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

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

Our natural parents gave us their heritage. Not even God can take it away. The agency litany is that all of this is done in the best interest of the child. Well, Mr. Chairman, I am a fifty-three year old grandmother, and I am that child, and I am outraged to be told that now everyone else's best interests supercede mine.

We are born, we are alive, we are entitled to the records of our birth and adoption, and we want them now. Thank you. (Applause)

ASSEMBLYMAN OTLOWSKI: I gave some leeway to Assemblyman Burstein and Deverin about the applause. I am going to ask from here-on-in that you refrain from applause. The important thing is to get the testimony on the record, and let's do that. So, I am going to ask you to refrain-- and as a matter of fact, if that is violated, I am going to call you to order. So, please don't put me in that position; let's just refrain from applauding from here-on-in.

May we hear from William Pierce, please? Mr. Pierce, let us have your name and the organization that you represent.

W I L L I A M P I E R C E: Thank you, Mr. Chairman. My name is William Pierce, I am the President of the National Committee for Adoption. On behalf of our organization, I want to thank you for allowing us to testify today.

We oppose A.B. 2051. Our organization was created in part because of the destructive threat to people, to families, and to sound professional adoption practice that A.B. 2051 posed in another form. In its earlier form, it was a proposed Model State Adoption Act. That proposal was created by a Federal government advisory panel chaired by Assemblyman Burstein. Its approach constituted an offensive invasion of privacy, a breaking of faith with millions of people, and stirred up such a storm of protest, that the United States Congress, in bipartisan outrage, called for its most objectionable features to be thrown away. Both the Carter Administration and the Reagan Administration made it clear from their actions that they found the work of the advisory panel, headed by Mr. Burstein, unacceptable. So did the majority of the country, Sir. That is why on October 8, 1981, the Federal government published a Model Adoption Act that bears no resemblance to Mr. Burstein and his panel's work -- and therefore no resemblance to A.B. 2051. In fact, the provisions embodied in the Model Act drafted by Mr. Burstein were completely rewritten to protect confidentiality and penalize anyone disclosing identifying information. After all the months of work, after all the waste of taxpayers' money, and after all the outrage over Mr. Burstein's monstrous model, it is tragic that Mr. Burstein would try to put over on the people of New Jersey what he failed to get the American public to accept. In effect, he is taking the most vehemently opposed, leftover sections of the rejected Model Act and incorporating them in A.B. 2051. He wants to turn New Jersey into the legislative garbage dump of America.

We think New Jersey deserves something better than A.B. 2051 or any of the other extremist proposals floating around on these issues. There are really two extreme positions before you, Mr. Chairman. On one extreme is A.B. 2051, which would, in its simplest form, destroy confidentiality in adoption. The other extreme is those who have no understanding of appropriate adoption practices, of the sound ways of providing non-identifying information. Some of these folks would pass laws preventing any contact between adoption agencies and people connected with an adoption, once that adoption is final, even for matters of serious medical import.

We would like to respectfully suggest what we believe to be a positive, sensitive and sound compromise between those damaging extremes. We believe that this Committee and the Legislature should consider the approach of a mutual consent voluntary adoption registry. The principles for constructing such a registry have been worked out over the last nineteen months by our organization after consultation with many agencies, other national groups, experts and individuals who would be affected. This would be a way for all three directly involved parties -- the adult adoptee at twenty-five, the biological mother, and the biological father -- to register their wish for contact.

Then, and only then, steps could be taken, once there was a match, by a trained social worker to help these three individuals make contact.

We would, of course, be very happy to assist you, Mr. Chairman, your Committee or any State legislator, to work up a sound registry bill that would be attuned to the needs of New Jersey, its citizens and its existing laws and practices that have worked so well for so long.

I might also add that Mr. Burstein, in response to a question from United States Senator Allan Cranston, during an April 17, 1980 Federal hearing on these same issues, responded that a registry "would be a very useful mechanism".

We ask you to please construct a good registry for New Jersey and reject A.B. 2051. We endorse this approach and, at least when Mr. Burstein testified in our nation's capital, so did he.

I would be glad to respond to any questions you have, Mr. Chairman.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much.

May we hear from John Boyne? Mr. Boyne, will you let us have your name and the organization you represent?

J O H N B O Y N E: Yes. I am John Boyne, I am the Executive Director of Spaulding for Children, which is a private adoption agency only for hard-to-place children. I am also an adoptive parent through Spaulding.

Essentially, our recommendation is that the key controversial issue about adult adoptees be segregated from the rest of the provisions of the bill and that all of those other provisions be dropped, allowing current law to stand in those respects. If the Legislature accepts this recommendation, we have no further comment on the bill, since the key issue of the bill does not affect our service to hard-to-place children, and the adult constituencies on both sides can speak quite adequately for themselves. And frankly, we can think of a number of more important concerns with regard to adoption and child welfare: permanency planning programs by DYFS, the Child Placement Review Act, and a number of other things. However, they affect children more than adults and children are a more mute, far weaker constituency. I only wish this outpouring could turn out for those concerns.

Really, there are three different parts of A2051 that I am concerned about. One is Access by External Parties, Agencies, and so on. The bill, either by failing to mention them, among those who are entitled to access, or by certain other strictures such as timing, has some fuzziness here. The following would seem to be excluded and should have access:

Agencies that have referred children to other agencies for adoptive placement; researchers and their support, their clerical support; state licensing authorities; agencies, adoption exchanges and adoption photolisting services that serve children waiting to be adopted. If, in fact, for example, A2051 seals records at termination of parental rights or voluntary surrender, agencies could never collaborate to place a legally free child from New Jersey. We could not use the resources of exchanges in photolisting services. The basic reason is that no one is specified as party to the action sealing the record, and therefore don't have entitlement to access.

The bill is a bit fuzzy on things such as foster care, sealing of records, and I hope that the courts would assume that that was not the intention of the law. Otherwise, Spaulding and others would never again serve a New Jersey hard-to-place child referred from DYFS because we couldn't get information.

A2051 creates a "no one but" list, and like all such lists, it ran and continues to run the risk of being incomplete and unadaptable to changing conditions. Current law states the principle of sealed records and leaves implementation up to

regulation, custom, experience, practice and so on. While not perfect, this is part preferable.

The second portion would be access by birth and adoptive parents -- and other parties who are mentioned in records, although that is not specified in the bill, as I recollect. Essentially, one of the problems here is that adoption records very often -- a good portion of them -- are records about relationships. They are not like medical records where you have an isolated thing that can be easily segregated. Now, the work would be phenomenal to segregate out those things and predict confidentiality. My fantasy is that we would be left with sentences like, "blank loves blank", or worse like, "John blanks Mary"--you know, to edit out that confidentiality. It doesn't involve just the adoptive parents or the birth parents, but other parties.

I also suspected this section of the bill would, unless amended, increase the fear that people in the community and some personal references have about saying anything negative. We have received negative references from people and I gave a number of examples of situations which I won't go into, where there could be difficulties around this. I have some half suggestions for amending it, if you do not accept my main suggestion, I will not go into detail, it will be in the written record and testimony.

This brings us down to the third issue which, I think, for us, is the minor adoptee and the right to know. And contrary to the impression of many, current law does not forbid the sharing of identifying information between any of the parties to an adoption. Indeed, in non-agency adoptions it requires direct surrender of the child, parent-to-parent. What it does in effect do is forbid the sharing of information not already shared before the judgement of adoption is entered. For all of our ten years, as a matter of course, with rare exceptions beyond our control, Spaulding for Children has shared the names of birth parents with adoptive parents so that that information will be accessible in a normal and natural way to meet the needs of the child. This respects the parental prerogative of the adoptive parents to assess what is best for their son or daughter while the latter are minors. If we trust them with the child, we should be able to trust them with this information. And by the way, our recommendation would not impose this philosophy of openness on other agencies, it would just allow us to continue our current long standing practice of ten years since we have been founded.

A2051 seems to assume that somehow the issues raised by many adult adoptees only originated in adulthood, as if some special gland zaps adoptees on their eighteenth birthday. These provisions of A2051 are not even a step backward into the past, for it forbids what was never forbidden. They hammer home to adopted children and their adoptive parents that they have a deep, dark secret so shameful it cannot be shared by dictate of lawyer, until they are adults. Somehow it is more personal if you say that, "your birth mother didn't want you to know;" or "I don't want you to know." But for society at large to say, "This must be hidden," and leave no discretion I think is very bad news.

And finally, though we know of no rights that are absolute and unbalanced by the rights of others, we do believe three things:

1. It is the adoptee's presumptive right to know, for his heritage is himself -- and I mean his birth heritage and his adoptive heritage, for it is not an either/or situation, it is a both/and situation.

2. The burden of justifying the withholding of that information is on those who would withhold it, that leaves, perhaps, some openness for some situations, because I am not wise enough to cover all situations; and

3. While the adoptee is a minor, the adoptive parents are the guardians of the adoptees' presumptive right and of its exercise. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you. May we hear from Alison Ward, please?

A L I S O N W A R D: I am Alison Ward. I lost my only child to adoption fifteen years ago. Today, I represent 150 members of Origins, a New Jersey based search and Support Group founded for birth mothers, but whose membership has expanded to include adoptees of all ages and adoptive parents who believe, as we do, in open records and humane adoption.

Although Origins agree that 2051 has many valuable points, such as open records for some adoptees born in New Jersey, we oppose its passage in its current form, but hope it can be amended and passed.

Secrets, confidentiality, lies, and anonymity - these are the tenants of a closed adoption system which exists in New Jersey today. Origins believes that many of the issues touched upon in A2051 are moral issues, not legal ones. There is a Chinese proverb: "A man falls back on legalities when he has no moral grounds on which to stand".

If more humane adoption is a legal issue, it is because we, as a society, have codified our biases and ignorance. We believe it is unconscionable to deny to any child access to his or her origins and to any mother the right to confirm the well being of her surrendered child. It is not so much a matter of who is right in this matter, but what is right, fair, and humane.

It is unjust enough that birth mothers are victimized by current adoption laws. Now, 2051 penalizes the birth mother once more. It allows the adult adoptee unilateral access to their adoption records, but denies the same access to the birth-parents of adult adoptees. It makes the use of a third party mandatory for birth parents searching for their sons and daughters, even though they are now adults, without making any provisions for the funding of those unnecessary intermediaries.

In a majority of cases it was well-meaning social workers who coerced us into surrendering our babies to adoption. How can we now believe those same people can possibly represent our best interests? We are appalled by the punitive aspects of this bill which rightfully recognizes the adoptees' need to know, but unjustly does not award that same understanding and compassion to birth parents' needs. If reconciliation and healing the wounds adoption has caused are objectives of open records, then in order to be successful, we need as many parts of the adoption triangle as possible to be involved.

We believe that all adoptees have the right to knowlege of their origins regardless of their age. This bill does not go far enough because it limits the access to records to adoptees eighteen and over. There must be a system for those under eighteen who have a need to know to do so.

In addition, birth parents of those under eighteen have a right to information about their son or daughter lost to adoption. A2051 provides for the safe keeping and maintenance of adoption records, and we applaud these efforts. We also agree with its provision that the amended birth certificate should not state that the adoptee was born to adoptive parents. However, we strongly disagree with the current New Jersey law, which allows the birth certificates of out-of-state, U.S. born adopted children to be changed to falsely show a New Jersey birth.

Adoptee statistics are just as vital as anyone elses. If names must be changed because of adoption, then a certificate should note it has been amended. All other information about the adoptee should remain as it was at the time of their birth.

We agree with the penalty clause which would deal harshly with anyone who alters or destroys adoption documents. However, we seriously question that this same strict penalty should apply to anyone who discloses information which seems unfair and disproportionate to the act involved. Would this clause subject to fine and imprisonment and agency employee or a lawyer who has arranged a private adoption, because they shared information between the parties of the semi-open or open adoption? Would this clause make illegal the practice of sharing information that is identifying between birth and adoptive parents before the judgement of adoption is entered by the Court, as Mr. Boyne recently pointed out? This clause makes actions that are now "legal", "illegal", so that the penalty section must be amended before we can support this bill.

Our laws must be changed to acknowledge that it is perfectly natural for the members of the adoption triangle to want to know one another. Laws should acknowledge that curiosity and interest in one's lineage, be it past or future, speak well of a healthy, inquisitive mind. If laws are to protect, then let them protect the right of all persons to find the missing parts of themselves and develop their full potential as human beings.

Birth parent groups, such as Origins, are often accused of being against adoption, and this is just not true. We support the institution of adoption for orphans, abandoned, neglected or abused children, and those who are truly unwanted by their birth families. We support adoption as one of the choices that should be available to all pregnant women, as long as it is really an informed choice, not a decision made in desperation or based on coercion or lies, and if there is a provision for the exchange of information, such as medical information when needed, and if it can be amended to become more open and humane. What we oppose is the heartless exploitation of young, unwed mothers as the source of a saleable product and the climate of secrecy, lies, and fears about the current closed system of adoption New Jersey promotes. If 2051 can be amended to provide openness for all, Origins, and the majority of birth parents, would fully support the bill.

ASSEMBLYMAN OTLOWSKI: Thank you very, very much.

May we hear from Tony McHugh?

T O N I M C H U G H: Thank you, Mr. Chairman, for letting me speak here today.

ASSEMBLYMAN OTLOWSKI: May we have your name and the organization you represent, Ms. McHugh?

MS. MC HUGH: Yes. My name is Toni McHugh and I represent the New Jersey Committee for Adoption. I am the Co-Chairman of that Committee.

First, I would like to say that I represent a group of people who are positive about adoption. We feel that the institution of adoption has meant much to many over many years. It has created families where there was a need for loving parents and a need for a child to love. We feel that this bill threatens to destroy adoption and the families that it has created.

There are three areas of the bill in particular that we feel will have an impact on adoption. They are:

First, that the adoptee, upon reaching the age of eighteen has access to his or her original birth certificate and adoption records. They can then make contact with either biological parent without his or her prior knowledge or consent.

The second aspect of the bill that we do not like is that the bill also provides, at the age of eighteen, that the birth parent can request the agency that placed the biological child to make a reasonable search, to notify the adoptee that the biological parent wants to make contact.

The third aspect is that it is retroactive. It voids all contracts that were made when the child was placed for adoption.

Let me just tell you a few of the aspects of the points so that you understand them more clearly. First of all, as it relates to the first point - the biological mother, when she placed the baby for adoption, was guaranteed confidentiality. As many as fifty percent of the residents of a large maternity home in the United States say they would have had abortions if they couldn't have been guaranteed confidentiality. There is also a study that was done in New York that contained two hundred birth mothers, and ninety percent of them did not want to have this confidentiality breached.

Most of these women have tried to place the past behind them and start new lives, and to get a phone call or a knock at the door could be a terrifying experience. Without an intermediary the reunion could be a very negative experience for the adoptee as well -- not necessarily the marvelous experience that Assemblyman Burstein mentioned earlier.

Also, I would like to just respond to one thing that Assemblyman Burstein said about abortion. I have talked to many birth mothers that have placed their children for adoption, and one in particular that has done much counseling to unwed mothers. She says the first question that a pregnant person asks is, "Can I be guaranteed confidentiality?" and if they cannot, they have said they will have abortions. So I am just responding to what Assemblyman Burstein said.

Number two, the fact that the birth parent can request the placing agency to contact the adoptee - biological child - places a burden on the agency and also infringes on the rights of the adoptee who, if contacted, may feel guilt if he or she does not meet with the birth parent.

Furthermore, this bill does not refer to the future; it is a bill that pertains to the past and invades the privacy of those previously guaranteed anonymity. Assemblyman Burstein did mention the Model State Adoption Act. I would like to point out a few things about that. In the bill itself, in Assemblyman Burstein's bill, he said that this A2051 should be a supplement or state adoption act as part of the recommendations of the Federal Model Adoption Panel. The recommendations concerning open records that he referred to have been withdrawn from the Model State Adoption Act. We feel that they should not become a part of our state statutes.

Finally, I would like to answer two questions raised by the search groups. First, "I need to know my medical records". We couldn't agree more with the adoptees about this. Good agency practice can provide adoptees with all data relating to their medical and ancestral history, and that would include updating of this material. This does not require the identification of the biological parents. It can be done in the present system that we have.

The second question that I would like to address is that the adoptees were not involved in the original contract, so it is now their right to have their original records. Those of us who were born biologically to our parents did not have a say in whom we were born to. Some situations are better than others. I am sure that some would rather have been born into a different family. Some are born into child abuse, negligent parents, rich parents, poor, loving and kind parents. We have no control over that. That is not to say that we dismiss the needs of some adoptees to know their roots. What we are saying, however, is that this should not supercede the rights of the biological parents who are guaranteed confidentiality.

I do hope that you will vote not to release this from Committee and that you will be aware that it is a very small group - approximately two percent - that want to change our existing laws.

I am also submitting as testimony, a letter from an adoptive father who wanted to testify today to tell you about a horrible, personal experience his family had with the searching biological mother. He could not be here today and asked me to give this letter to you.

I also have a copy of a letter from an adoptive family group in New Jersey that feels very strongly about this and also could not be here today. And then I would like to submit a petition that has 1869 signatures that were obtained within the last week. The petition says that, "We, residents of New Jersey, wish to go on record with the Assembly Committee, Institutions Health and Welfare, as being opposed to Assembly Bill 2051 because it:

1. Allows open records for adoptees eighteen years or older without mutual consent of the biological parents;
2. It forces adoption agencies to use limited resources to become involved in unwanted intrusions on adoptive families; and
3. That it is retroactive and destroys the biological mother's right to confidentiality."

Hundreds of thousands of biological parents have released their children for adoption upon the assumption that their identity would remain confidential. The enactment of this bill can only lead to more abortions and less children available for adoption.

Thank you very much, I appreciate it.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we hear from Linda Cannon Burgess, please?

L I N D A C A N N O N B U R G E S S: My name is Linda Cannon Burgess. I am a certified social worker in favor of this legislation. I have worked in the adoption field for almost thirty years. I have been the director of two Washington adoption agencies and I am responsible for the adoptive placement of over 900 infants and children. I am equally knowledgeable and sympathetic to all three parties of adoption.

Ten years ago, I conducted a research study by returning to fifty families where I had placed 147 children for adoption. The results of my findings are recorded in a book, "The Art of Adoption", published in paperback by W.W. Norton. As a result of my follow-up study, I have seen that many of these children did not live happily ever after, but suffered problems specifically related toward their being adopted individuals.

The problems are those of rootlessness. There is an emptiness in the soul of sensitive adoptees. For them, the question, "Whom am I", is not a philosophical concept; it is real; it is devastating. For many, the void of heritage may result in medical tragedy and unrelenting obsession. In keeping their records closed, we are arbitrarily holding these adoptees in bondage.

We are faced with an epidemic of out-of-wedlock pregnancies. We witness infants being raised by unprepared, immature mothers struggling with financial and personal problems. We are besieged by adoptive applicants yearning for children, yet there are almost no infants available for adoption. The solution to this impasse lies largely in the hands of you legislators willing to modify adoption procedures in passing this and similar bills.

The unmarried mother of twenty years ago, surrounded as she was by the shame of bearing an illegitimate child, had no choice but adoption. Today, a young unmarried mother, no longer burdened with public sensorship considers two alternatives: abortion and keeping her baby. The third alternative, adoption, is no longer acceptable. Why? Because today's mothers refuse to face a lifetime of separation and wonder, asking, "Is my child dead or alive? Does he have sisters and brothers? Is he married

and am I a grandmother? Will he ever be able to find me and give me these answers?" A mother, certain of the possibility that she will see her offspring again in his adulthood adds weight to the third alternative of adoption. Many infants previously destined for abortion, might be given a chance for living if adoption were handled in a more civilized fashion.

What about the parents who have devoted their energies to raising their adopted children? How do they face the issue of open records? I found in my study that parents of younger children feared losing them to birth parents while those with older children recognized the importance of genetic information in bringing wholeness into their children's lives. Not one parent, however, denied the right of adoptees to search for and even meet with their birth parent.

It is an insult to the integrity and strength of adoptive families to consider that after eighteen years of care and love, they would possibly lose their children to strangers whom they happen to resemble. I am aware of no case in which an adoptee transfers his primary allegiance from his adoptive parents to those he found later in life.

You, gentlemen, and I, who are not adopted, are free to construct a family tree based on true heritage. Good or bad, it is ours. Yet we warn adopted persons not to search for they may find skeletons in their ancestral closet. Are they always to be protected like handicapped children?

Adoption is a man-made scheme, legalized for the rearing of children, not for the shackling of adults. In passing this legislation, you will be granting adoptees the same freedom already possessed by their birth parents and their adopters, freedom to know themselves.

Thank you for your attention.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we hear from Reverend Robert Vitillo?

Did I pronounce your name correctly?

REVEREND ROBERT VITILLO: Yes you did.

ASSEMBLYMAN OTLOWSKI: Would you spell it for us and tell us the name of the organization that you are representing, please?

REVEREND VITILLO: The last name is spelled V-I-T-I-L-L-O. I am Reverend Robert Vitillo and I am speaking this morning on behalf of the Bishops of the Five Roman Catholic Dioceses in the State of New Jersey and also on behalf of the Catholic Charities Directors in the State of New Jersey.

As a Director of a Catholic Charities agency which has extended professional social services to biological parents, adoptive parents, and adoptees for more than forty years, I would like to refer some urgent concerns regarding Assembly Bill 2051 to the esteemed members of this Committee. Since our agency has been privileged to serve all three constituencies in the "adoption triangle", I feel capable of speaking in an objective manner without any vested interest or bias for any one of the three groups mentioned above.

It is my belief that one of the mainstays behind the professional practice of adoption has been its strong reliance upon and adherence to the principle of confidentiality. The stability behind professionally executed adoptions might be contrasted with the catastrophic impermanence of informally arranged private adoptions in which biological parents and adoptive parents are often familiar with each other's identity and frequently take advantage of such familiarity to indulge their own unresolved feelings at the expense of the adoptee.

In no way do I wish to dismiss or make light of the pain of separation experienced by biological parents who have surrendered their children, or to the intensity of the desire to know one's roots which is encountered by adoptees. It should be noted, however, that the majority of adult adoptees who petition our agency for information, do in fact seek non-identifying background information about themselves rather than the actual identity of their biological parents. Similarly, we have found that many of the biological parents who return to our agency need more to examine and explore their unresolved feelings related to the termination of their parental rights and to be assured that their child was indeed placed for adoption, rather than to actually locate their children.

I fully recognize that a certain number of adoptees and of biological parents might indeed be seeking reunions. It is my professional judgement, however, that reunions should be made possible only after the mutual expression of such desires by both the adoptee and the biological parent. I must further raise the caution that the unilateral pursuit of a reunion by either an adoptee or a biological parent could result in extremely traumatic experiences for all parties involved.

Assembly Bill 2051 eliminates any assurances of confidentiality for all parties in the adoption process. Its provision for retroactivity further jeopardizes those parties who were previously guaranteed privacy by courts and professional agencies. Finally, it seriously threatens the emotional stability and the family life of those biological parents and adult adoptees who are not desirous of reunions.

A2051 was originally based upon an earlier version of the Federal Model Adoption Act. It is highly significant that the final version of the Model Adoption Act has deleted the very open records provisions with which I have taken issue today.

Since this highly questionable and professionally objectionable philosophy seems to pervade Bill A2051, I would strongly urge this Committee to impede any further movement of this bill through our New Jersey Legislature. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much, Reverend.

I am making an exception to this list here that I feel is justified, and I am now going to call on Doctor Richard Sharret, then we will go back to the regular order. Doctor, will you give us your name and the organization, if any, that you represent?

D R. R I C H A R D S H A R R E T T: My name is Richard Sharrett, I am a member of the Board of Trustees of the United Family and Children Society.

ASSEMBLYMAN OTLOWSKI: You are a medical doctor?

DR. SHARRETT: Yes, I am.

ASSEMBLYMAN OTLOWSKI: Do you specialize in any area?

DR. SHARRET: Internal medicine and cardiology, and I am also an adoptive parent.

ASSEMBLYMAN OTLOWSKI: You are not testifying as a medical expert?

DR. SHARRETT: No. I am testifying as a member of the Board of Trustees of the United Family and Children Society.

ASSEMBLYMAN OTLOWSKI: Okay.

DR. SHARRETT: Thank you, Mr. Chairman, for allowing me to testify ahead of schedule. I will be brief and take your recommendation not to read the records which I have already submitted to you in writing, but I will read one sentence from the first document: On November 23, 1981, the Board of Trustees of the United Family and Children Society, an agency engaged in child and family welfare since 1877, one of the oldest private agencies in the United States, registered its opposition to Assembly Bill A2051 by unanimous vote. The second document was sent to several newspapers from the agency with approval of the Board, and I just quote four sentences from there:

"We seriously question the recent attempts to change the laws so that the biological parents can have access in order to seek the children they placed for adoption. Such a practice could undermine the entire adoption process and could be severely damaging to the well-being of the adopted child and disruptive to the adoptive family.

It is important to note that adoptive parents are held, by law, to abide by the agreements they contracted in the court hearing on adoption. Unless the biological parents' contracts are held equally binding by law, the entire process is invalidated.

Briefly, I would like to recall the comments of former Chief Justice Francis in a similar hearing before this Committee several years ago when similar legislation was under consideration. He warned the Committee at that time that any change in the adoption laws should be taken with the utmost seriousness and should certainly be viewed as much as possible in an unbiased and non-arbitrary fashion.

I would also like to comment that there are some fragile foundation stones in the adoption process, such as a stone labeled, "the anger" and perhaps "grief" and other mixed emotions in the surrendering process, or the need for identity of the infant, or the stone labeled, "the frustration of childlessness". The adoption process addresses all of these, while A2051 supports that attitude, the basis of which is the reputation of the adoption process.

I would like further to express the opinions that although I think Mr. Burstein was surely well deserving of the honor that he received at the beginning of this hearing, and I take it that he is in every sense honestly well-meaning, it is my impression that he has been misled by his emotions and misinformed by his sources. If the legislators will maintain a reasonable, sophisticated and unbiased view of the adoption process as it now exists in our society in the State of New Jersey, I am sure that any proposal to change the law will receive a scholarly and just review. I think it is lamentable, that the press and other public media treat the news of reunions much in a style used to cover the stories connected with restoration of the kidnapped child to his rightful parents. The unmentioned confusion in this case, is that the rightful family of the adoptee is the one he has been identified with for his entire life - the adoptive family. Thank you Mr. Chairman.

ASSEMBLYMAN OTLOWSKI: Thank you, Doctor. Thank you very much.

May we have Sandra Musser, please? Sandra, may we have your name and organization that you represent, please?

S A N D R A M U S S E R: Yes. My name is Sandy Musser, I represent Concerned United Birthparents. First, I would just like to give a personal note, that I am a birthparent who did search and find my daughter. The change in my life and the inner peace is beyond expression. Searches are going to continue, people will be found, and hopefully this bill for the adoptees will pass.

Now I would like to read the statement on behalf of Concerned United Birthparents, the largest national birthparent organization in the country. We provide a variety of adoption-related services to over 35,000 persons since we began our work in 1976. CUB was organized to dispell the notion that birthparents want anonymity from their surrendered children. In reality, most birthparents never forgot their children and remain concerned about their well-being. We wholeheartedly support the unconditional right of adoptees to information which will identify their birthparents, for we do believe in reunion. We know the healing for birthparents that is inherent in being able to once again embrace their children. In that respect, we endorse those portions of the Bill which enable unconditional access by adoptees to information. Beyond that proviso, we have concerns with the Bill.

I am not going to read my entire statement because it is long, and you have requested that we not do that since it was submitted; however, I would like to read on the third page, the following suggestions that we are making to the Committee to make this Bill appropriate for passage.

Number one, we believe it is important to retain the unconditional access by adult adoptees to identifying information on their birthparents.

Number two, we feel that language should be added enabling birthparents of adult adoptees unconditional access to identifying information on their adult children.

Number three, that we add language enabling adoptive parents of adult adoptees unconditional access to identifying information on the birthparents of their children.

Number four, that we alter the language which requires the search effort by agencies to:

a. Make the effort a diligent one;
b. Expand searching, contacting agencies to include court approved peer liaisons;

c. Expand the potential users of the service to: minors in institutional care, birthparents of minor children, adoptive parents of minor children, grandparents and siblings in birthfamily.

Five, insert language which enables adoptive parents and birthparents now entering adoption, the opportunity to exchange identities if they so chose.

And six, to retain only that portion of the penalty clause which penalizes those who knowingly destroy or fail to record information.

I would just like to make note, on page 2, of a few statements which I think are relevant. There are over 100,000 children in foster care for whom parental rights have been surrendered. It is entirely possible that these children's birthparents are now able to make a home for them. A birthparent of a twelve year old searched for and found her child in institutional care and was able to adopt him.

The potential for incest is also a real concern in the closed system of adoption. In a New Jersey city, a birthmother located her minor son and to her astonishment, discovered the child to be a close friend of her daughter. She is now able to monitor the relationship.

With the changes that we have suggested, with these provisions being incorporated into New Jersey law, adoption would become a far more humane and equitable institution. It would embody a recognition of the reality that adoptees carry throughout life unique and valuable histories which encompass both naturally begotten and socially sanctioned family ties. It would validate the enormous sacrifice and contribution of life and love the birthparents make when they choose to bring a new human being into the world. And, it will bless the adoptive union with the opportunity to grow within the same real world context of our blended families.

I am also the author of a book entitled, "I Would Have Searched Forever", and as a birthparent, I would have searched forever.

ASSEMBLYMAN OTLOWSKI: Excuse me. On page three - those numeral suggestions that you made - "you would extend the search", who would pay for that search under your theory?

MS. MUSSER: Expanding the search?

ASSEMBLYMAN OTLOWSKI: Yes. To make an effort, a diligent one, at expanded search?

MS. MUSSER: Well, right now, the way it is under the Gruccio's law is that the agency, I understand, has thirty days to locate a birthparent. First of all, we don't agree with the intermediary method. As expressed on page two, where I said

Connecticut and Minnesota have statutes which require agencies to act as intermediaries, we disagree with that. We feel that the search should be an individual search. Therefore, they wouldn't have to take on that burden.

ASSEMBLYMAN OTLOWSKI: The agency --

MS. MUSSER: However, why should, as the Honorable Deverin said this morning, any adoptee or birthparent or adoptive parent must have to pay money to go through the court to get information that certainly they have a right to?

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we hear from Rita Martin? Rita, would you let us have your full name and the organization that you represent, please?

R I T A M A R T I N: My name is Rita Martin and I am President of the New Jersey Right to Life Committee. I am most appreciative for the opportunity to speak to you today of our concerns regarding Assembly Bill 2051.

Our interest in this bill centers on an area that has been mentioned before, how a policy of open adoption records may affect a pregnant woman's decision on abortion.

A distraught young mother, unaware of what her life may be several years in the future, and feeling she does not want her present unhappy circumstance to intrude on that future, may very well opt for abortion if she cannot be guaranteed that records of an adoption will be kept confidential.

It is supremely inconsistent to say that a woman's right to privacy grants her the right to an abortion with no permanent record being kept, no identity reported to the State, and then to say that a woman who chooses to give her child life and unselfishly give that child for safekeeping into the loving arms of adoptive parents cannot be guaranteed that same right of privacy. Such a policy amounts to penalizing the mother who loved enough to give birth and cared enough to relinquish the child for adoption. She, too, should have the legal assurance of confidentiality so she can plan her future knowing her past will remain private.

Wise and wonderful people who have worked for many years dealing with unwed mothers have unequivocally stated that, unless these mothers continue to be guaranteed their rights to confidentiality in adoption proceedings, many of them will choose abortion.

Ruby Lee Piester, Executive Director for the past eighteen years of the Enda Gladney Home in Fort Worth, the largest combined maternity center and adoption agency in country, estimates that as many as fifty percent of the girls with whom she works would have abortions under a policy of open records, while others would lie about their backgrounds to protect themselves.

Garnet Haworth, who for sixteen years was director of the Willows Paternity Sanitarium in Kansas City has written, "Through my experiences in working with birthparents, I can assure this panel that, of the unwed mothers, many more than one can realize would have chosen abortion as a means of secrecy and privacy had they not had the option of complete privacy through the adoption process. Surprising as it may seem, a large number contemplated suicide. Only through the promise of total and complete privacy regarding their identity to anyone were they able to have the child and give that child and adoptive family the joy of each other."

Assemblyman Burstein mentioned this morning the Children's Act of Great Britain which allows for open records. He accounted for the drop in adoption by a difference in recordkeeping. However, the drop is too dramatic to be accounted for simply by recordkeeping.

In three years, the number of children available for adoption dropped from 21,299 to 12,121. Many observers feel a good part of that drop is because mothers who felt they could later be traced decided against adoption and for abortion.

In a society where abortion is sanctioned by the government, and made easily available by clinics and counsellors alike, not being able to guarantee a young girl that her future will not be intruded upon by her past, not being able to assure her that all records of the adoption process will be kept confidential, may be the one more pressure that she cannot handle. No one need ever know if she has an abortion. How sad to think that a life may be ended because the only other alternative has been closed by legislative fiat.

Certainly we empathize with the adoptee and the birth parent who wish to find each other. When there is a mutual desire to search, some accommodation should be made to accomplish this. But it should be at a time and under circumstances where it will pose no threat to the emotional or familial security of either party.

An unwed mother considering adoption, particularly a young unwed mother, needs some guarantees. She needs the security of knowing she can go about planning her future comforted by the knowledge her child will be loved and cared for, and with the certainty that she is in command of that future - that she need not fear an unwelcome intrusion from her past. The right to privacy should be as equally guaranteed in adoption as it is now in abortion.

Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you.

May we hear now from Cyril Means? Mr. Means, may we have your name and the organization that you represent?

C Y R I L M E A N S: My name is Cyril C. Means, Jr. and I am a Professor of Constitutional Law at New York Law School, and I am the Attorney for ALMA, whose President, Florence Anna Fisher, has previously testified here today.

I am speaking today in unreserved support of A.B. 2051. It is based, as Assemblyman Burstein mentioned, on the Model State Adoption Act, Title 5.

I am going to address myself only to a few points, and the first one concerns the nature of the adoption transaction. It is a transaction which was unknown to the common law, exists only because of statute, and it is based entirely on contract. Adoptions are either one contract or two contract procedures. If it is a private adoption, it is a one contract procedure between the natural parents, or parent, and the adoptive parents. If it is an adoption through an agency, it is a two contract procedure whereby the natural parents first relinquish custody to the agency and then the agency by a second contract relinquishes it to the adopted parents.

ALMA has no objection to the binding force of these contracts. They are perfectly legitimate, legal contracts sanctioned by law; they are even protected by a clause against the impairment of contracts in the United States Constitution. The parties to the contract are bound by it - the infant was not a party. He was the subject matter of the contract. He was what was transferred from the one pair of natural parents to the other pair of adoptive parents. No system of modern law enforces against that infant, for that infant's entire lifetime, a contract made concerning him by other adults. In order to find a precedent for such a thing, one has to go back to such archaic legal institutions as the contract for the sale of slaves in this country prior to the Thirteenth Amendment, or going back some centuries earlier, to royal marriage contracts made for infant princesses and princes which were then enforced upon them when they became teenagers. No modern court would ever enforce such contracts as those.

And yet, no one seems to have any compunction whatever about enforcing this same kind of contract, made by others, against the only non-party of the contract - the infant adoptee.

Now, consider for a moment what that contract does to the infant adoptee. It works upon him with a retroactive effect, wiping out his past, and without his consent, the very objections, Mr. Chairman, which the opponents of this legislation have laid to the fault of this bill. It is only by a legislation such as this bill, which is both retroactive and without the consent of the other parties - the only parties to the contract - but now the adoptee could be put on a plane of equality with them. And we do not ask, and the bill does not ask that he be put on the plane of equality with them until he is an adult.

This Bill accomplishes -- or would accomplish -- if enacted here in New Jersey, the same thing which the Children Act, 1975, accomplished for England and Wales. In Scotland, adoptions, ever since there have been legal adoptions there in 1930, have been open in the sense that when the Scottish adoptee reached seventeen, he could obtain his original birth certificate. But the English and Welsh system was different. It was a closed record society for fifty years. The first adoption act in England was in 1926 and it was fifty years later that Parliament changed the closed record feature and did it retrospectively and without providing for any consent by any parents.

The experience in the past five years under the British act has been uniformly positive. I verified this again yesterday by a long distance telephone call to John Traceliutis, the leading British expert of the British law, at his offices at the University of Edinburgh in Scotland. He also exploded the canard which was again attempted to be revived by the speaker immediately proceeding me, about the statistics that were mentioned in that New York Times story of March 18, 1980. The figures are correct. In 1975, there were 24,831 babies available for adoption -- that was the year in which the Children Act received the royal assent -- in 1978, there were only 12,121, a drop of about fifty percent. The explanation is simple; the Children Act has another clause which provides that after, if it received the royal assent, that no longer should step-parent adoptions be counted as adoptions but instead should be handled under a custody clause in a different statute - the Matrimonial Causes Act. And, in any society which counts step-parent adoptions along with other adoptions, you will find step parent adoptions account for about fifty percent of the entire total, and therefore that accounts perfectly for the drop between those two years.

I wish to conclude by referring to something that has been referred to only by one previous speaker - the perpetual danger of incest, which the present laws perpetuate and perpetrate. These cases, when they occur, obviously are not advertised from the rooftops by the parties who become involved in them. They try to cover it up and divorce and proceed with their lives. It is a perfectly natural human reaction. One case, however, has been documented of a dramatic character which probably is illustrative of how much of this goes on. In the City of San Diego in the 1970's, a seventeen year old sailor fell in love with his thirty-three or four year old mother, whom he didn't know was his mother, who had given him up for adoption seventeen years earlier. He married her, and they had a baby.

The only reason that this came to the public notice was that the mother had also committed bigamy because she had not taken the trouble to get a divorce from her previous husband. When this came to light, the District Attorney commenced a prosecution, and in the course of the investigation the true relationship between these two persons was revealed. So, therefore, that is a case which is probably typical of many others -- it is only the tip of the iceberg.

The Parliament of Israel, when it first passed the first adoption law that Israel ever had in 1960, insisted that there be included in it a clause providing that when the adoptee became eighteen, he should have access to his original birth certificate. And the reason for that is that the religious parties in the Knesset insisted that this clause be put in because, as they quite rightly pointed out, otherwise there would be a perpetual danger of incest. This is something which is always attempted to be denied, minimized, or "poo pooed" by the opposition, but it is a fact, and it is one of the few evils which adoption with sealed records, visits, not only upon the adoptee himself, but also upon his relatives who do not know that he exists any more than he knows they exist.

I think I have merely added a footnote to the very fine presentation made by Assemblyman Burstein and I urge you to adopt this Bill.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we hear from Judy Heatly, please?

J U D Y H E A T L Y: My name is Judy Heatly. I am a former Director for Birthright and I have counseled over 200 unwed mothers during the ten years I worked for Birthright.

I would like to start first with giving you a little background on myself. I am a natural birthparent. Nineteen years ago, I conceived a baby. I was offered an abortion at the time, the abortion would be done in a hospital and I am today happy I refused because I did deliver, at the age of twenty, a beautiful baby girl. I realized that I could not care for this baby the way she should be cared for. Because I was concerned for her welfare, I felt that she would be better raised in a home with two loving parents where she would have the father present from the time of her infancy. I therefore went to Catholic Charities and I relinquished my baby for adoption. I would like you to know that I was not coerced in any way, it was a very very rough decision, but there was no coercion on any parts.

It was made very, very clear to me by Catholic Charities that when I signed the papers relinquishing this baby for adoption, that I no longer would have any rights to that child. It couldn't have been made clearer, and I understood it. I therefore feel that I would never have the right or should never take the right to search for her. In giving her up, I have given up my rights to know anything about her. I would tell you also, however, that I would like to know about her. I would be very, very welcome to see her, to learn about her life, and hopefully to see that she is well today.

In doing so, I would be very very conscious of two people involved in this process, and they are her adoptive parents. I, yes, am a natural mother, but I am not that baby's mother. That baby's mother is the mother who got up in the middle of the night when she was sick, who cared for her, who loved her, who fed and clothed her. Her real father is the father who went out and worked to support her for the last eighteen years.

If she were to come back into my life and if she were to search me out, I would be more than willing to see her. But, it would only be with the understanding that she know the part I play does not contradict the part her real parents play.

I have gone to the agency involved and I have given them my past eighteen years of non-identifying information regarding health and problems that have arisen and I have also told them that if she were to search for me, I would be willing to meet with her, with a third party intermediary, and at the meeting that we would have, we could then decide whether we both cared or desired at that point to exchange names and addresses.

I am in favor of an open registry where I could, as a natural parent, express my desire to someday see my biological daughter and where she could also come for me. I do not agree with Mr. Pierce's view that three parties -- the natural father and the natural mother, and the natural child -- all should have to agree. It wasn't until I was pregnant that the father of my child decided to tell me that he was married and had three children. He promptly took off and never cared whether I lived or died or whether she lived or died. Therefore, I feel he has no right to determine whether that natural daughter and I should ever meet each other.

I am opposed to this Bill, however, because there are a lot of women that I have met in my work in counseling who do not feel as I do. I wish it were not the case; I wish people were not ashamed to say that they were a natural birthparent. But, unfortunately, there are people who for some extenuating reasons cannot give up that confidentiality. There are girls who have told me that they would have abortions -- in my counseling -- if they couldn't be guaranteed confidentiality. I was a part to guaranteeing them that privacy. I swore to them it would be confidential, because that is what we were told. And now we run the risk of being made liars to these girls who have given those babies up. I really do believe that there are girls today who would have an abortion out of fear that someday, for some reason, that child is going to come to their door, a fear which, thank God, I don't have, but which they would have. And I don't think it is fair to these natural mothers and natural fathers to have to worry about that. I really do believe the incidents of abortion would rise with this law, and I am telling you now that it is better that an adopted child never, never, never meet her natural parent than that she never be born because that mother was so afraid of the confidentiality being betrayed that she aborted her. I feel bad for these people who are searching for their parents, but I also love the mothers, maybe because I empathize with them, who have chosen to give their children up for adoption, usually, and I must say for any adoptive children in this room today, not because they wanted to give them away, but because they loved them enough to give them away. If you have any questions, I would be glad to answer them.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we hear from Carol Gustavson, please?

C A R O L G U S T A V S O N: I am Carol Gustavson, an adoptive parent and Board Member of Adoption Triangle Ministry. I am here to present the stand we take with regard to Assembly Bill 2051.

I would like to quote from an editorial by John L. Brown, a psychologist who founded Brownsdale Residential Treatment Center in Canada: "In all of man's inhumanity to man throughout the history of mankind, those deeds which are done in anger and hostility can be redressed and dealt with by the victims and by society at large, because you can fight against evil; you can fight against wrongs; and you can get support in that fight; but the inhumanity that is done in the name of "good", in the name of "help", in the name of "service", that is the kind of inhumanity that offers no opportunity for redress. To attack the do-gooders is to alienate yourself and to fight against those parts of society that are supposed to be caring for the needs of people. And so the victims are victims without recourse, with no opportunity for obtaining sympathetic support. And what we see in laws that have affected the rights of children is that if a child had a need that extended beyond his family's capacity to cope with it, the system robbed these children and their parents of the right to redress the wrongs that were done in the name of "service".

Adoption Triangle Ministry enfold the believe that no one should be denied the opportunity to follow the spiritual commitment to love one another. Closed adoption records deny that to all involved in the adoption triangle.

As a young, non-sectarian organization, ATM has received over 200 letters in the past six months from others who join us in our efforts to promote understanding and empathy as a vital means to address needed change in adoption laws. We are devoted to total, full support of open records. Assembly Bill 2051 serves but a portion of what is needed to provide human dignity of all. We oppose this proposed bill in its current state on the grounds that it penalizes a portion of humanity directly involved in adoption -- the birthparents.

It is our deepest hope that an open records bill will be drafted in such a way that it will give due respect and consideration to all who choose to reach out in love and concern for the personal needs of one another.

Bill 2051 recognizes that adoptees should have the same opportunity to control their own lives that is offered to all citizens, except those placed for adoption. ATM would give full support to this Bill if it were modified and clarified. For example:

We believe birthparents of adult adoptees should not be held to mandatory use of an intermediary any more than adult adoptees. Both parties should have unlimited access to records.

Two, we question whether lawmakers have considered the effect of the penalty section on open adoptions that could take place in New Jersey. Will this section discourage the sharing of vital and pertinent information? Also, how will the penalty section affect the agencies who deal exclusively with older children adoption?

The conscience level of each and every one of us should be directed towards the senseless, needless, human indignities imposed upon others through the secrecy of closed adoption records.

In the spirit of this season, I would like to share with all of you a personal happening within our family. Three days ago, on December 6, the birthdate of our daughter, Sue heard her birthmother's voice for the very first time when she called to wish Sue a happy birthday. It was with sincere thankfulness that our family has been successful in our personal venture -- our fourth and final search for our children's birthmothers has been completed. Each birthmother openly received and contributed to the life of her child who had been surrendered to adoption. We have found nothing destructive in coming together in love and concern for each other. It is our continued desire to support the ongoing efforts of many others like ourselves who feel open records and open adoptions should be a part of our special place in life, not only in the State of New Jersey, but throughout the nation.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we have Herbert Wieder, please? Doctor, may we have your name and the organization that you represent?

D R. H E R B E R T W I E D E R: I am Doctor Herbert Wieder and my presentation will make it clear who or what I represent.

ASSEMBLYMAN OTLOWSKI: Are you testifying from the point of view of a medical person?

MR. WIEDER: I am testifying from the point of view of a very specialized interest, and studies in research in the area of adoption.

I am not an adopted person, nor an adoptive parent, nor a birthparent. However, I am far from being a casual observer of the adoption world. I am a psychoanalyst as well as a psychiatrist who has conducted research and studies into the psychological

lives of adopted people, adoptive parents and birthparents for the past twenty years. My findings entitle me to draw conclusions on many issues and problems confronting the adoption world and to talk as a mental health advocate, whenever something any member of the adoptive family triangle encounters. For the most part, I applaud this Bill, but I find it hurtful to a family member.

We must realize that certain facts about adoption, though perhaps unpleasant to hear, are realistic. The traditional blood-kin family is composed of one mother, one father, and their child or children. The adoptive family, in reality, contains two mothers, two fathers, and a child common to them. Although society, and to some extent adoptive parents, would like to pretend that it is exactly like a traditional family, it is the differences that are extremely significant in each member's life. The adoptive family is designed to create a permanent and stable home and family. One issue based on the unique structure of the adoptive family concerns the communication of information and the availability of records. Adoptive parents had been unduly apprehensive that their relationship to the child would have been ruptured by the child seeking knowledge of, or an acquaintance with the birthmother. They fail to appreciate that the bonds established between them and child through nurturing, were unbreakable and lifelong as in the traditional family. Neither the information nor the search that ensued, for the most part, was damaging. Many adoptive parents began to realize that their family, though different in some respects, was in fact stable and unthreatened. The emotional way was then cleared for an expanding number of adopted families to reunite without dissolving bonds or realigning loyalties. Many reported a diminution in angers and fears that had been prevalent.

The issue of opening records to the eighteen year old adoptee is resolved in their favor in this Bill before you, and again should be applauded. But my understanding is that the closed and secret records had a deleterious psychological effect on each member of the family.

Consequently, from a mental health aspect, I find the interference, or limiting the birthparent's access to information and search, untenable, apart from not fathoming the logic behind it.

In the past, a young pregnant woman who was unmarried would have been counseled to give up all claims to her baby being considered for relinquishment. She was often advised that she would more fully accept her loss if she knew that the loss was complete and she could not cling to the child by contact or information of any kind. She had typically been counseled that after a year or so of mourning, she would put the experience behind her and it would cease to preoccupy her. I would love to meet the person who coined that thought. I wish that person were here to defend that myth, and their ignorance of adoption process.

To my knowledge, no documents or psychological follow-up information on women who surrendered their babies existed. No evidence justified the presumptions either that the effects of her experiences diminishes in significance to the point of extinction, or that she is better off knowing she will never have access to information of the child's welfare. One is therefore left to ponder about the psychodynamics underlying such an unexamined social attitude and professional stance. The psychological damage occasioned by a relinquishment by someone, emotionally unprepared by age and circumstance at the time, who might have preferred not to relinquish and then compounded by the veil of silence about the child is enumerated below.

Information from this segment of the adoptive triangle has been the most meager. The birthmother's sense of guilt and shame, compounded by an overt condemnation by society, has kept them in a self-isolated prison of silence. They feared and avoided

the psychotherapeutic relationship also as a consequence. The relevant findings: One, relinquishment in the physical sense took place, but in the psychological sense, never did. Two, immediate consequences of remorse to the physical surrender turned into a long-term pathological mourning. The psychological preparedness for mothering occasioned by the months of pregnancy was left unfulfilled. A feeling that the baby was dead but not dead, was real, but not real, which would have been modified by even discussions about the baby were to remain untouched. Three, the baby remained a reality, however, in the mind of the mother, and many women grew the child in their minds. This represents a very severe compromise with reality. Lack of realistic information fuel the fires of fantasy as the supplier of information. Four, self-condemnation for their surrender became chronic self-derogation and guilt associated with fantasies of the life they imagined the child was living. The lost child theme became a preoccupation. Sometimes this preoccupation led to the exclusion of other later reality-oriented relationships, and all their interests and emotions centered on their fears for the lost child. Five, the young person who relinquished, grew up sadder and wiser. Most knew they could not and would not want to recapture the past. They want to ease what any parent might feel compelled to -- their anxieties about the child, their fears and their guilts. Parallel to the adoptee's correction of their vivid fantasies about the birthparents by more realistic information and meeting, the birthparents would benefit too. The aspect of separating out of this matrix a birthparent's needs and relief of concern strikes me as cruel and nothing more than a continuation of society's condemnation, and should be changed or modified along with other items in the final form of this Bill.

ASSEMBLYMAN OTLOWSKI: Thank you, Doctor.

May we hear from Laurel Cohen, please?

LAUREL COHEN: My name is Laurel Cohen. I am a member of ALMA and I am speaking for myself as an adult adoptee. I would like to preface my remarks with congratulations to Carol Gustavson and I must tell you I was very moved by your story. I think that your attitude is one that is to be applauded and I know that the experience that your child has had can only reaffirm your relationship and cement it deeply, as you have been willing to be a part of that. And I also know for a fact that you are the parents of the heart for your child, and nothing can alter that.

As an adult adoptee over eighteen years of age, I believe I have a vested interest in the Bill under discussion today. There are many reasons that the adult adoptee has need for information. We live a life veiled in mystery concerning our beginnings. We are constantly confronted with a lack of medical history, and we are uncertain of genealogical background and ethnic origins. For those of us who have chosen to search -- and I was one -- there was the torture of the "cat and mouse" game that is played with adoption agencies, uncooperative sources, and people who have the information in hand but cannot or will not divulge it.

My own story is one of searching, of discouragement, and finding a mother buried thirty years ago. What I came to realize was that this woman who gave me up had died of a rampant malignancy seven months after it was diagnosed. That information is extremely important to me, to my well-being, and to the well-being of my daughters. I have had to live my life playing a game of genetic roulette having to take chances; having to make medical decisions based on a lack of information. I am happy to say that today that no longer is happening, it will not happen to my daughters, my sons, and my nieces and nephews.

I also was able to find a father who did not know I existed. Today, we have a warm relationship. I am happy to know that I have Cherokee Indian blood in me.

That was something that was not known to me or to any agency or any other person that had anything to do with me. It is a rich heritage that I am proud of and that I think I have a right to know about. There are revolutionists in my genealogy that I did not know about. It gives me a great deal of satisfaction to know that my roots go way back in this wonderful country that I am privileged to live in.

I do not agree with alternatives that deny the adoptee's right to self-determination and strip him of his autonomy by making it necessary for all parties -- that is the birthparents and adoptive parents -- to consent to his having information concerning himself. This idea leaves him without dignity and humane respect and denies him the right to critical information about himself. The right of birthparents to privacy is an issue that is important, but cannot preclude the adoptee's need for information. In generating the act of birth, the original parents accepted basic responsibility for the existence of that child. In surrendering, they have a right to be insured privacy from everyone in the entire world -- and I hardly applaud that idea -- except the person whom they conceived and bore. To that one person, there is a debt owed: One, to give an answer for the plight of his being given up; two, to supply vital, on-going medical history; and three, to provide the details of his genealogical background as they are known.

Diane Wesley, the poet, wrote, "Each of us may do or say those things which our integrity dictates, but we must be prepared at all times to face and accept responsibility and consequence for our own actions." Though there may be room for considerable compromise on Bill 2051 as it now stands, I, as an adult adoptee, believe the issue of complete open records to those over eighteen must remain intact. Only then will we have the information that is every other citizen's birthright, and only then will justice be served. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

We are going to recess now until 1:40 -- it will give everybody an opportunity to go for lunch in the cafeteria here, and be back at 1:40.

(Recess for Lunch)

ASSEMBLYMAN OTLOWSKI: Will everybody please be seated. We are ready to resume the hearing and we are going to hear from Mr. Rick Perry. Rick, do you want to give us your name and the organization you represent, please?

R I C K P E R R Y: My name is Rick Perry. I am Director of LDS Social Services, New York, a New York Agency -- a licensed child placing agency in New Jersey and New York. We are affiliated with the Church of Jesus Christ of Latter-Day Saints. I am also speaking in behalf of a worldwide organization representing forty-five agencies who, yearly, place hundreds of infants and older children for adoption.

We would like to express our opposition to the passage of Assembly Bill No. 2051. We are particularly opposed to the open records proposition in the bill.

Adoption has served an immeasurable service to society through the years. It has provided countless children the opportunity of a permanent, secure, loving family, a family that has been carefully selected by caring professionals, with the most particular needs of the child in mind. It is the best, most efficient, most cost-intensive, and most permanent method of caring for children who are unable to be cared for by their birth parents.

Passage of Assembly Bill No. 2051 would have a contravening impact on adoption by inhibiting both birth and prospective adoptive parents from consideration of the adoptive alternative, encouraging, less often, foster care, illegal placements, and in the case of the adoptive parents, decisions not to adopt. In addition, we oppose the Bill for the following reasons:

1. There is a totally open adoption record attitude in the provisions of the Bill, regardless of the birth parent's desire for confidentiality. Birth records, court records, and agency records are all opened to the adoptee. The privacy of the adoptive parents is also of prime concern.

2. To make the law retroactive as far back as when adoption/biological parent records were first established, would make null and void any previous agency assurances of confidentiality. We believe that this would create a severe breach of trust, as well as having an adverse effect on the peace of mind of the majority of adoptees, biological, and adoptive parents.

3. The agencies are saddled with all the time and expense involved in performing adoptee searches.

4. The Bill, by the very nature of the provisions for adoptee searches and adoptee rights, will likely create new administrative organizations at the State level, and force agencies to add staff and expand resources to keep up with the adoptee request study processes and record-keeping requirements.

5. A registry which allows biological parents to make it known that they wish to be found is a far more acceptable alternative that enables the birth parent to make the choice between being identified, and/or remaining unknown to the adopted child. This registry bill is sufficient to meet the needs of adoptee searches without scrutiny of all confidential adoption records.

In summary, when one examines the above mentioned concerns, it is evident that the Bill would not cover all concerns if it were to be passed. Because of the magnitude of these concerns, we would like to recommend that the Bill not be passed. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much. May we have Mary Anne Cohen, please?
Mary Anne, are you from Colorado?

M A R Y A N N E C O H E N: No, the organization I represent is. I am Mary Anne Cohen. I am a birth mother of a thirteen year old adopted boy. I am a member of C.U.B., a co-founder of Origins, and I am speaking today as a member of Orphan Voyage, a group I have belonged to for the past seven years, which is the oldest adoption reform group in existence.

I am making a statement on behalf of Jean Paton, an adoptee who found her own birthmother over thirty years ago, and has since devoted her life to promoting openness and reconciliation between "all" who have been wounded by adoption. I am honored to represent Ms. Paton, the "Founding Mother" of the adoption reform movement.

Ms. Paton has asked me to convey her thanks to those who have sponsored A.B. 2051, and to express her support of the provisions for open records for adult adoptees and for at least acknowledging the equal need of birthmothers to know their adult children by providing for an intermediary system. Perhaps this is as far in the direction of openness as the law will go. As such, it is at least an improvement over the present intolerable system of total secrecy. In the interest of the many adult adoptees who will benefit from these provisions of 2051, Ms. Paton and Orphan Voyage support this bill.

However, we would like further clarification of the "penalty" section of 2051, which Ms. Paton regrets because of its punitive aspects. This has been covered by several other people who spoke, and I will not read this part now, but it involves the idea of birthmothers searching, getting information through agencies, and we would like that further clarified -- exactly what agencies could convey between adoptive and birth parents. We have questions about that section of the bill.

You will hear many angry, frightened statements today from all parties in adoption, each vehemently promoting their own rights and posing possible horrors that will follow any change in the current adoption laws, as if laws were a fortress to keep out the forces these persons imagine are threatening their homes. Their fears are real and very painful, but they are needless, and there is no law on earth that can truly put them to rest.

We in Orphan Voyage would like to focus not on the rights that all parties in adoption, including adoptive parents, are certainly entitled to, but on the concept of healing and reconciliation, which is the only cure for the terror that causes opposition to openness, both in the majority of adoptive parents and the minority of birthparents who hold this view. The enmity which has built up between some adoptive parents, birthparents, and adoptees is a needless tragedy, a sea of suffering and bewilderment that only truth, honesty, and openness can begin to drain. You, as legislators, can be instrumental in setting the legal framework for the start of this difficult, but ultimately rewarding, moral work of healing.

Speaking for myself, as a birthmother, I have deep emotional conflicts about this bill. As a mother, I fully support open records for my son and for all adoptees even if this bill does not satisfy my own needs. However, as a woman who has come to feel great rage at the cruelties and injustices inflicted on countless young mothers, including myself, by the current closed system of adoption, I am impelled to ask this legislature for more. I hope you will consider amending this bill to fully open records to birthparents of adult adoptees with no intermediaries, and to make a provision for transfer of information between parents of minors, either through agencies or the courts.

The adoption system has robbed many mothers of children they wish to keep. We can never get our children back, as they are now a part of other families who we hope love and cherish them. We deserve at the very least, some knowledge of their fate, and a chance to extend a hand of friendship and love to them and their families.

It is not easy for me to stand before this group today to hear the anger of those who oppose us and the indifference of those who don't care. I am here because I believe that adoption can be changed, to bear witness to my son, that to say that I am not ashamed.

I would like to further address the pro-life people who spoke earlier about the importance of secrecy to prevent abortion. I would like them to consider instead, promoting pride in mothers, so that no one should ever be ashamed of giving life. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we have Debra Oliver, please?

Do you want to tell us who you represent, please?

DEBRA OLIVER: Yes. My name is Debra Oliver and I am the Legislative Liaison for the Adoptive Parents Organization of Trenton. Although our group supports the adoptee's right to know, we are opposed to Assembly Bill 2051. Our major concerns lie with the bill's retroactivity and the lack of an intermediary during the search and reunion process.

We believe in the individual adult's ability to decide for himself how much he needs to know regarding his genealogy. Moreover, the adoptive family relationship is rarely damaged by the reunion. However, because an adoption involves three parties -- the adoptee, the birthparents, and the adoptive parents -- all three parties must be equally protected under any adoption legislation.

The retroactive nature of this bill would strip away the confidentiality guaranteed to those birthparents and adoptive parents who entered into the adoption agreement many years before. Some birthparents welcome the controversy over sealed records as a possible second chance to tell their story to the adoptee. Others wait in dread for the phone call or knock on the door which will bring back the past. These people have children and a family who may have no knowledge of the adoption and they fear the emotional trauma created by the unexpected appearance of the adoptee. Although an adoptee has a need for and a right to his heritage, he cannot accomplish this at the expense of others.

The role of the birthparent in the opening of birth records is a controversial one. If she placed the child for adoption in the belief that the record was forever sealed, what now happens to that implied contract? Some say she abdicated her rights at the time of the relinquishment. Others say her rights must be protected because she was promised anonymity. Because we believe that all parties in the adoption triangle maintain their rights throughout their lifetime, we believe the birthparent should be contacted first and indicate a willingness to take part in a reunion.

The current Minnesota law is frequently referred to as the model legislation for other proposed laws. This law provides that adoptees over twenty-one years of age can have their original birth certificates unsealed as long as the birthparents consent. This consent can be given at any time. If an adoptee seeks the opening of records, the Department of Public Welfare has six months to contact the birthparents. If either parent listed on the original birth certificate refuses, is no longer living or cannot be located, the birth certificate can only be unsealed by obtaining a court order.

We believe this type of legislation would guarantee equal rights and protection to all members of the adoption triangle. The search and contact could be handled by the placing agency or in the case of private adoption, any trained therapist having adoption experience. The search itself would be simplified by the fact that the adoption professional would have access to all records. The contact would be handled in a discreet manner and with the proper sensitivity. If the reunion was a joyful experience, the intermediary would no longer be required. However, if the birthparent refused contact, the adoption professional could help the adoptee come to terms with this rejection. Or, if the reunion was emotionally upsetting to either party, the adoption professional would

ensure that proper counseling was received. As adoptive parents, we would support this type of legislation. Our love for our children is a commitment to raise these children not to cut them off from anyone in their lives. We have already done what we sought to do -- to raise a child.

However, we feel that 2051 would have a devastating effect on all members of the adoption triangle, not because of what it provides, but because of what it does not provide - equal protection. We ask that an intermediary be required if records are to be opened, a method which will accomplish the intended goal, and one which is respectful of the rights of all involved. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we hear from Aurelia Fule?

A U R E L I A F U L E: Mr. Chairman, I am Aurelia Fule, a minister and national staff member of the United Presbyterian Church in the United States of America. I wish to state the position of the United Presbyterian Church on this issue.

The one hundred ninety-third General Assembly, the highest, or most inclusive judicatory of this church, met in May 1981 and voted in favor of an overture supporting legislation regarding the rights of adult adoptees and their natural parents. This overture originates in this State. It came to the General Assembly from the Presbytery of Newton. The overture recognizes that it is more freeing to know the truth than to hide it, that the right of adoptees is denied by the sealed record laws. Therefore, the General Assembly voted to support the rights of adult adoptees to receive, upon request, copies of their original birth certificates and court and agency records pertaining to their adoption.

Also, we support Title 5 of the Model State Adoption Act and procedures which would grant adult adoptees the information and would grant natural parents a more limited right.

The General Assembly went on, asking judicatories to encourage and stimulate interest in the question, to send letters of support of Title 5 to their congresspersons and to the President, to write letters to editors of local newspapers, and to help all persons involved in adoption to face the reality of their situation, with honesty, openness, and compassion for one another.

At this hearing we have heard people linking the issue of abortion and adoption time and again. They are separate issues and they need to be debated separately. There is no connection, but there may be a similarity. Whether we keep the records sealed or prohibit abortion, in fact, we deprive persons from living their own lives and making their own decisions in the light of their conscience, instructed by their faith. The United Presbyterian Church in the United States of America has taken a position for pro choice in the matter of abortion.

Secondly, on the right to know, I would like to add the position of my church. One experience is my own as a parent, which I believe is relevant to the discussion here. I was educated in Hungary and in Britain and came to this country on an English scholarship. The man I later married left Hungary after the events in 1956. We have no relatives in this land. Our first child was an only child for the first four years of his life. We were aware that he missed the large family circle his friends enjoyed. We did not know how much he missed it. When he was not yet four years old, he went with his father to visit his relatives. He met his grandfather, his aunts, his uncles, his cousins - he was ecstatic. The first night he did not sleep; he said, "This is my family, all these people; all these people are my family". Even photos of great grandparents on the wall were embraced in the circle and were celebrated. He made several visits since. Once I heard him speak to another child about meeting his relatives, and I was amazed at the intensity of his voice and the description.

Last year, applying to college, he wrote an essay introducing himself. "I cannot over estimate", he wrote, the significance of meeting my large family. Getting to know them and the context in which they live, helped me to understand my parents more and to understand myself better. I could see that some of my hopes and fears were linked to that of generations before me. I came to know myself more because I knew where I came from." If fruits of our heritage are so important for persons to know, the generation before us, and the parents are not enough, how much greater is the longing and the need when one is adopted, to know the one generation before his own?

We live in a world constantly changing around us. We also know that social change is painful. Some of the freed slaves in this country were without home and food all of a sudden, yet they would not argue that we should have preserved the institution of slavery. This is a time that the State of New Jersey can bring about a change for the better. It may cause pain for some, it will, but it will start a new pattern that will bring far less pain to all. I urge your compassionate consideration of the needs and rights of adult adoptees. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we hear from Mr. Harold Cassidy?

H A R O L D J. C A S S I D Y: I am an Attorney who has counseled the woman of Concerned United Birthparents and Origins, but I come here not as a lawyer, but as a witness to human suffering. In this forum, with this beginning inquiry, it is greatly less important what is presently the law than understanding what we ought to make it for the future.

We must begin by confessing to ourselves that our present system is nothing better than the first effort addressed to a highly complex set of human relationships, created by a society with little understanding of the experiences of the persons involved. Any action that is to be taken must be taken with a full and informed understanding of the experiences of the adoptees, the mothers, and the adoptive parents; and the solution must be a balancing and weighing of the appropriate considerations to the detriment of none.

The need for change in the law that we perceive is based on reality. I have seen the young mother whose instinct is to love and to keep a child, just as you and I and every adoptive parent wants to keep our children. But the difference between us is profound. The birthmother makes a sacrifice that we cannot even conceive of making -- she surrenders a child out of total dedication to the welfare of that child because she is led to believe that that is the best course for her son or daughter.

We must accept the responsibility for this act because as a society, we are the ones who have urged the surrender. Our hypocrisy is in our punishment of the young mother. We condemn her to a lifetime of suffering in which, as she later learns, she mourns that child on a daily basis. The truth is that in her time of need, if we directed our energy and our resources in giving her support, rather than urging surrender, there would be much less need for adoption in the first instance. So we must first, in our inquiry, understand the social context in which the surrender is made, and the role society plays in the decision-making process. We must also have the courage to understand and accept that surrender, in most instances, is an act of love and not an act of rejection.

I have seen the pain of a mother in South Carolina who tearfully calls me begging for help. She had surrendered her child two years earlier and she still cries daily. Ten days after she had signed a piece of paper she asked for the return of her baby. After she was refused -- four days after she sought court intervention, but she will never see her child again.

What is it about this piece of paper that makes it so impenetrable, so above all present legal principles that apply to other documents? A system such as that must be held suspect. As a society, we must examine our conscience. We must be bold enough to inquire whether we are supplying homes for children who need them, or whether we are really only supplying children to feed an adoption system. We must never lose sight of the fact that before any prospective adoptive parent ever sees the object of their later affection, the birthmother has loved that child to the point of her own total sacrifice.

I have seen the young woman from New York who surrendered her child in New Jersey. For her, all she ever wanted in return was the piece of mind that comes with the knowledge that her child was well and being cared for. She asked for the right to know this from the beginning, but is compelled to sign the surrender document which denies her this right. She must live not ever knowing where her child is, whether he is adopted, or healthy, or happy; and she will always live never knowing whether what we told her was the truth -- that her child was better off without her. I am at a loss to understand how we justify this cruelty. It is not because I am insensitive to the concerns of the adoptive parents. What I perceive is that we prefer to pretend that the mother does not exist, but even if we write this fiction into our statutes, we cannot erase the bonds of mother and child from the minds and souls of the adoptees and their mothers.

We pretend that what is promised by birthmothers in the surrender document is made by free choice on the part of the mother. If we as a society insist upon holding birthmothers to that which is contained in a document, then it is our burden to see that the choice is truly a free one. If the mother wants the right to know the child as well, then we must give her the opportunity to bargain for the right. The burden is on us to build into the system all of the safeguards which are necessary to insure that the choices are indeed free and to give to the woman that which is at least a minimal for the health of the mothers and the health of the adoptees.

We cannot explore in a couple minutes what the solutions must be. Though we support open records so adoptees and mothers may know each other, we urge that Mr. Burstein's bill not be released from Committee. We urged continued discussion and hearings, and an opportunity to present a well-thought-out proposal that considers the needs not only of the adoptive parents, but those of the mothers and the children.

Let us in the State of New Jersey work together, all of us, just as we have come together here today, to write a set of laws that would truly be a model code, with the end that, in the future, adoptees would recognize themselves not with the sense of having been rejected, but with the knowledge of what they truly are - people with parents who love them immensely, but who also were born to a mother whose love was so great that she made the greatest sacrifice for their welfare.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we hear from Mr. Thomas Roche?

THOMAS ROCHE: My name is Thomas M. Roche, I am a member of the New Jersey Committee for Adoption, I am not a birthparent, an adoptee, or an adoptive parent. For many of the reasons which we have heard this morning, I object to Bill 2051 for what it will do to the institution of adoption. However, as an attorney, I would like to address some of the legal issues involved.

This morning, Professor Means addressed us, I think on some of the constitutional issues involved. I think it should be pointed out that both in New Jersey and in New York, the constitutional issues on behalf of open records have been raised and rejected. The Mills Decision which was referred to this morning was decided here,

in New Jersey, and in ALMA versus Millin, which was argued by Professor Means before the Southern District of New York, the Second Circuit, Court of Appeals, and on a petition for certiorari to the Supreme Court of the United States, these arguments were rejected. I think, though, that there are constitutional arguments which have to be addressed should Bill 2051 be adopted in New Jersey.

I first would like to address the retroactive impact of that bill. As Professor Means indicated this morning, both the Federal Constitution and the Constitution of the United States provide that the State shall pass no law impairing the right of contract. As Professor Means did indicate, there are contracts involved in the adoption proceeding. The birthmother entered into an agreement, with the agency assuring confidentiality as did the adoptive parents with the agencies. Bill 2051 right now, if adopted, would eliminate those contractual rights and I think would violate the impairment of contract clause of both the New Jersey and the Federal Constitution.

In addition, both New Jersey and the United States Government have constitutions which provide that the State shall not deprive any person of life, liberty, or property without due process of law. This has universally been held to provide that a state cannot retroactively deprive one of rights that it has given. N.J.S.A. 26-8:41.1 and 9:3-52 have given birthparents and adoptive parents a right of confidentiality; 2051 attempts to eliminate that right.

I also would assert that the birthparent and the adoptive parents have a right of privacy. A constitutional right of privacy should be protected even prospectively. Both the Mills Decision and the decision in New York, which I referred to, acknowledged that.

I also would like to say I think the existing statutory framework in New Jersey adequately protects the rights of all parties involved. I think one of the basic legal premises is that when there are competing interests, and granted there are competing interests in this controversy, there must be a balancing of those interests. I believe that the statutory provisions in New Jersey do balance those interests. It protects the confidentiality, but it provides those adoptees who wish to search, the ability to go to court and for good cause, show why they should have those records. Frankly, the decision of Mills rather liberally, I think, allows access to those records; it acknowledges that there may be compelling psychological needs for them, and also places the burden of proof on the party objecting to the opening of records, which is a substantial burden.

I think 2051 is an absolute worst point of view. It doesn't recognize anyone's rights but those who want to search. It doesn't take into account the right of the birthparent. I think it fails to balance the interest. I would like to also say as a personal matter, I believe that the existing statutes might be reinforced by the voluntary registry provisions that Mr. Pierce has alluded to this morning, and I would personally endorse those. I thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we hear from Mrs. Elinor Crocker, please?

ELINOR CROCKER: My name is Elinor Crocker, I am speaking before you as an adoptive parent and as an ordinary citizen - not a lawyer, incidentally - concerned with equal rights. I strongly urge you to support Assembly Bill 2051.

This bill for me is giving back a basic right which a considerable number of adult citizens in New Jersey and elsewhere lost when they were adopted - the right to inspect their own original birth records. Parenthetically, there are over five million adoptees in this country. There also are about five million people in the State of

Virginia. Imagine if no one in Virginia were allowed to see their birth records. No roots, even for families in Virginia.

Adopted persons lose that right unknowingly and without consent at an early age. Bill 2051 does not open confidential records indiscriminately. It does not allow any private information into outsider's hands. It does not allow any new information to pass to natural parents or to adoptive parents. They may only review information to which they have already had access. So, to change the laws that-- the records are opened only to the person most directly involved, the person who was born and is now an adult adopt

Thirty-five years ago in June, my husband and I were married. We both came from large families, and assumed we would have children; at least six was our goal. But we were disappointed. We worked with doctors for years and gradually came to the decision to adopt. One miscarriage and more years later we finally started our family. We were thrilled. In the end we accomplished three children; two adopted, one all by ourselves.

Years ago, when we adopted, there was a great deal of secrecy involved. And you know, secrets are funny. They become barriers. If something is a secret, it must be bad, or else it wouldn't be a secret. And with those barriers a lot of sympathy, understanding, and communication gets blocked. Today, I wholeheartedly agree with the statement of Faye Cheeseman of the Catholic Welfare Bureau, "We had no business putting such a bubble of secrecy around adoption in the first place". But we did, and now years later, we are dealing with the effects on all parties involved in the adoption triangle.

When we adopted, every adult involved in the process made definite commitments and contracts. The primary purpose was to ensure the protection and future well-being of the adopted child. Secondary purposes were the protection and well-being of both sets of parents. Those early contracts were legal and binding. The principal figure, the infant or very young child, needless to say, was not consulted nor involved. However, he eventually becomes an adult. As an adult he may vote, be drafted, be required to pay taxes, make contracts, get married, have his children educated, and so forth. In every way he is expected to be, and is accepted as an adult, unless he asks about his birth, even though he has had only one birth, after all, no matter how many birth certificates. But that's a secret. Remember? It must be bad.

Bill 2051 allows him to ask and "he shall be provided a true copy of the original birth certificate." He is not forced. He must choose to ask. Is that unreasonable? Isn't that any adult's right?

As a parent of adult children, I firmly believe that, painful though it may be, we, as family members and members of society, still have a primary responsibility to the well-being of the adult adopted child.

When our adopted children were young, we told them that they might want to find out more about their original parents than we knew, and that we would support them in this. These conversations were not unlike many others in different areas of our family life. We made it clear that, as their parents, for now we made certain decisions for their protection and well-being - they didn't always agree - and that we were responsible for them because they were children.

They were baptised, but confirmation was their decision. They were educated through high school, but college and/or work was their decision. They were adopted and raised by us, but to explore their biological background or not is their decision, and they should have the right to that opportunity.

Through no fault of their own, they have been deprived of that heritage in their growing up. It is their decision whether to find out more information

or not.

We believe, as their parents, we do not have the right to prevent them, nor, I believe, does the State or any previous contract or commitment. So, it is important that, "The rights of access to records established by this act shall have retroactive effect...." Again, I strongly urge you to support Bill 2051.

My husband and I have been in this adoption game for close to 28 years. There have been countless, enormous emotions involved. We have been in the parenting game for 26 years, and it has taken us - the kids and us - a long, long time to grow up, and I am sure we are still in the process. It always involved a lot of effort, hearing the other side, trust, uncovering secrets, understanding, and sympathy when it seems like bad things are happening to good people. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

Miss Carol Asche. Carol, do you want to give us your name?

C A R O L A S C H E: Yes. My name is Carol Asche, and I am independent. I am an adopted adult.

My name is Carol Asche. I was adopted when I was a few weeks old. I am speaking to you today as an adult adoptee. My concern at this point in time is about my rights and the protection of my rights and anonymity as an adult adoptee.

Gentlemen, I am extremely upset with the proposed change in the adoption law, regarding the opening up of sealed birth records. I am here today to urge you, as strongly as I can, not to change the existing law.

I want to retain the anonymity I have been guaranteed by law. I in no way feel it is important or relevant to me to search out and find my birth parents. I know that search groups do exist. However, I feel that these groups do not represent the majority of adoptees and birth parents. These groups have gained national attention by openly voicing their opinions. But, because adoptees and birth parents have been protected by the law as to their anonymity, many more of the second group are not coming forth to speak out. They simply wish to remain anonymous, and that is their right according to the current law.

I feel that I represent the opinions of the majority of adult adoptees. I have been blessed with two wonderful parents. They are my parents, the only ones I know or care to know. They are the ones I love. They were there when I needed them, and I was there when they needed me. They are the parents who have shared the good times with me, and who have helped me through the not-so-good times. They are the parents who gave me love, security, and the support to become the person I am today.

I have had my very own complete family, with parents, grandparents, aunts, uncles, and cousins. Their heritage is my heritage. They are my roots. I never want to receive a phone call from a stranger saying, "I am your birth mother." I am not interested in, nor do I have the need to have a relationship with such a person. I feel that if such a contact were to be made, this would constitute an invasion to my right to privacy. I feel that by opening up the birth records, you will be opening up a Pandora's box. I truly feel that for many individuals involved in the adoption triangle, there will be terrible and possibly tragic consequences.

There are just too many adoptees and birth parents who want and count on the protection of anonymity that has been guaranteed them by law. Gentlemen, let me propose a hypothetical situation to you: Suppose you had fathered a child years ago and that child was placed for adoption, and you chose not to tell anyone.

Now the law is changed, and the birth records are opened, and one morning, as you are leaving your home, you find someone standing on your doorstep saying: "I think you are my father." How would you react? What would you do? Would you accept or reject this individual? How would your family react to the situation? If you change the existing law regarding birth records, I feel that this kind of hypothetical situation I proposed will, in fact, become a reality to a great number of people.

We live in a great country, a country where adoptees and birth parents have been guaranteed the very precious right to anonymity. I feel that I am entitled to the protection of my privacy and that no one person or group of people has the right to deny me my anonymity.

I appeal to your good judgment, as leaders of the community, to deny the passage of this new bill, and retain my right -- a very precious right -- to privacy as an adult adoptee.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

Cora Driggs, please.

C O R A D R I G G S: I, a found birthmother, Cora Driggs, want to express opposition to the supplement on adoption.

ASSEMBLYMAN OTLOWSKI: Cora, who are you representing? Are you representing anybody, or are you just speaking for yourself?

MS. DRIGGS: I am a person.

ASSEMBLYMAN OTLOWSKI: You are just speaking for yourself?

MS. DRIGGS: I am just an ordinary person.

ASSEMBLYMAN OTLOWSKI: Good, continue.

MS. DRIGGS: My feelings are of joy and happiness since my daughter had the desire, courage, and perseverance to find me. This refutes the notion that most birthparents want protection, for I find that most feel similar satisfactions to those that I have.

I never did expect to see her again after dutifully surrendering her, though I had always hoped for the unexpected. I even went around looking into thousands of faces of girls who would be within the range of her age. As I traveled through the entire nation, I constantly looked for features similar to mine or my family's, feeling that some day it could be a possibility. You see, a mother does not forget, nor stop the yearning for a reunion, as she is supposed to do.

In my time, this was only a dream, but one I could no more stop than I could stop breathing. When my husband was sent to Texas -- the State I was told she had been taken to -- I couldn't resist looking even harder and trying my best to see a familiar face. Of course, it was all in vain. Had I only known, she was living near enough to my old home that I could have walked to it, very easily.

We had moved to New Jersey almost two years before my pregnancy, but I frequently returned to my old home town, and even went back there to my doctor for confirmation of the pregnancy. All of this is to prove to you that mothers of almost any age or circumstances do care, worry, and retain an abiding love for a surrendered baby. All the brainwashing could not change this truth, though I did learn to hide the feelings from everyone, for no one wanted to talk about it.

The so-called protection was unasked for, unwanted, and would have gladly been shattered for the scant facts that my baby was alive, loved, well, and growing normally in all ways, physically and mentally. While I had no reason to doubt this at that time, I knew that strange developments can happen, and like all mothers, I worried.

Only open adoptions and records, such as exist and function very well in Kansas, England, Scotland, and Finland can correct such conditions as mine, stated above. The future could be as open as any of the examples given, and, yet, be no threat to the adoptive family, for on-going information about the adoptee alone could be satisfactory. Of course, the complete open adoption would be better, but the options are there to be made, if chosen.

This bill has faults, already pointed out today; but, the inclusion of punishment for revelation is certainly heartless, especially in the event that the adoptee is old enough to remember a family connection before placement. There is so much that is objectionable that it is, therefore, unsatisfactory and must be rejected, if you can understand compassion and its true meaning. Only truly open records can clear secrecy from the whole adoption picture and cleanse away the soil that fear of revelations cause, especially where and when honesty is much preferred, as opposed to secrecy, in adopting. There are some merits in adoptions, though they seem to be shrinking rapidly, when all the facts and facets of it are learned and known from the adult adoptees.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

Elizabeth Omand, please.

E L I Z A B E T H O M A N D: I am Doctor Elizabeth Omand. My doctorate in biology is from the University of Pennsylvania. I have taught medical school and published research studies. I am a parent and a birthparent of a New Jersey adoptee. Today, I speak as a biologist when I say that all adoptees, young or old, healthy or ill, need their birth family history for their own health and that of their children. Last year, this Assembly voted to provide new adoptive parents with the known medical background of the birth family of their child. You who voted for that measure understand the importance of family medical history. I believe you will approve today's measure on the same basis: So today's adopted adult can obtain his health heritage. Family medical history is a tool for diagnosis. For glaucoma, it can mean the difference between early successful treatment and blindness. For cancer, it can make a difference between early detection and death. One adoptee was not given any cancer tests after she had breast tumors because no one knew her birth family's history of breast cancer. Human health is largely a gift of birth. The potential of this gift is shown by the health or illness of our parents and their close relatives. For good health care, one needs the full profile of sickness and health in that family.

Today's adopted adult has none, or only scanty clues, of his medical profile. Whatever information was noted at the adoption agency has usually been lost to him, and he is 18 years old by the time he can ask for it himself. So, adult adoptees today are in great need of their contemporary medical history. Every year that passes makes the recorded information one year more out of date. To fill in the gaps between placement and the present, someone must speak to a birth relative about the sickness and health of family members.

Barbara wanted to know whether her children, like her brother, would have genetic blindness. Since their mother was adopted, her family medical records were over fifty years old. Her worry about her own kids' vision can only be answered by a birth relative who can give the family profile of this kind of blindness.

Diagnosis often takes a cue from family members, and help can flow in either direction. An adoptee's illness could sometimes give a diagnostic key to a birthparent. Claire found her birth mother had died in a mental hospital after twenty-two years there. But, instead of mental illness, hospital photos showed

signs of goiter, a gland problem that could have been cured. Claire's own goiter problem would have indicated the diagnosis for her birth mother, so she could have been released and treated appropriately. But, because Claire and her birth mother were unknown to each other, this was not possible. Is this, then, the protection anonymity gives to birthparents?

In the gaps between relinquishment and search, there are many cues to illness: A birth father later developed Huntington's disease; another turned out to be a cystic fibrosis carrier; old birth defects, such as spinal bifida, have come to light many years down the road; treatment of hypercholesterolemia was delayed until it was found to be in the family. Imagine, if you will, a young, adopted boy needs a kidney transplant from a birth relative, otherwise he will die. A birth mother needs bone marrow from her only child, the daughter she had surrendered to adoption. Today, in Kansas, an adopted man's life depends on bone marrow from a close relative, whom he cannot find as the court will not tell him the name. And then, there's Jody, an adoptee who went into a coma and her doctors didn't know quite what was wrong until her husband searched and found her current medical history from her birth family.

These examples are serious. And, there is one more thing that should give us all pause: Incest. It seems remote, perhaps, but the specter of incest is real in traditional adoption. One birth mother realized just in time that her son's fiancée was the daughter she had surrendered. Two other adoptees discovered after their engagement that they were brother and sister. Another adoptee married a birthparent. For health reasons, marriage even between cousins is not recommended. In-breeding invariably increases genetic vulnerabilities because a baby from cousins, or siblings, or parent and child, is more likely to get a double dose of the same genetic problem. Intermarriage and incest can only be avoided with certainty when adoptees have the names of their natural parents. So, all adoptees have good cause to examine their adoption records, as permitted under existing law. Since all have good cause, there is no need to deny any his record. In fact, today's bill is a straight-forward, money-saving way for the State to make good on this law.

As for anonymity, birthparents do not now have it, nor did they ever, nor should they ever be promised it. Once a child is born, its biological parents have one responsibility they cannot delegate through adoption, to acknowledge that parentage and maintain their medical file. Ultimately, no adoptee's medical history can be complete or correct unless there is continued communication with the birth family.

Do I, as a birthparent, have a right to privacy? Yes. And, when I was told that the birth certificate would be sealed, I did have some feeling of relief. They said: "No one will ever know you had a baby." At that time, everyone didn't include that three-day old baby, but now it does. I don't have a right to privacy from my child. She has the fundamental right to know my name, and to ask me her father's for her physical and mental wellbeing.

I have some comments about the medical communication in Section 5 (b), which needs to be reworded. Contact should be specified to ask for medical aid as well as to give it; and contact of adoptive parents of minor children. This is important so that birthparents can give medical aid during the minor years and adoptive parents can seek help for a sick child.

In conclusion, I can tell you, as a biologist, that medically every adoptee has good cause to see his adoption records, to get adequate medical care, and to avoid incest. The law has long recognized the principle of naming birthparents

to the adoptee. Though the medical reasons were not spelled out, the wisdom of this law can now be seen through its great value to medical care for all adoptees. I trust the members of the committee recognize this, and will honor the right and need of every adoptee to know the names of his birthparents by opening adoption records to adult adoptees.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

DR. OMAND: I would like to say that in the contract that I signed, there was nothing about anonymity. I promised merely to not interfere with the care and management of my child in any way. And, since I have found her, I have still adhered to that contract.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

DR. OMAND: Thank you.

ASSEMBLYMAN OTLOWSKI: Steve Carlson.

S T E P H E N L. C A R L S O N: Mr. Chairman, my name is Stephen Carlson, and I am here today speaking both for myself, and on behalf of the local Auxiliary of the Edna Gladney Agency. The Auxiliary consists of some 300 adoptive families and friends in the metropolitan area who are concerned about fostering responsible adoption practices which preserve, balance, and protect the rights of all parties to the adoption process.

It is our belief that Assembly Bill 2051 is a flawed piece of legislation and should not be reported out of this committee, particularly in haste at the close of the legislative session and before alternatives to this legislation can be fully considered. Assembly Bill 2051 is a direct result of a Federal model adoption code, the relevant portions of which have been rejected. Bill 2051 should also be rejected by this committee.

Specifically, we object to Assembly Bill 2051 for the following reasons:

1. The proposed legislation contains no provisions for protecting the rights to privacy and anonymity of the biological mother. The potential clearly exists for unannounced and unexpected reunions to occur without adequate preparation and safeguards. Most young women place children for adoption, based on the strict terms of confidentiality and a spontaneous, unsupervised reunion could have traumatic effects for both the biological parent and the child. We believe that all reunions should be arranged through a registry system whereby the biological parents and the child would voluntarily register with the adoption agency if a reunion was desired. Trained personnel would then arrange and supervise the reunion to avoid adverse psychological effects.

I would like to add that we have heard from a couple of speakers this morning that they fear there are some problems with the registry system. I would argue that none of those problems are so great that they can't be overcome relatively easily, and I think that provides a very responsible form of legislation.

The second provision that we object to is the provision contained in Section 7 of the legislation, which retroactively opens adoption records, because it clearly violates the rights, established by the courts, of all parties to the confidentiality and anonymity. This provision clearly is a violation of the State's past guarantee of privacy and confidentiality without any overriding justification with respect to the conduct of the State's business, or to the health and welfare of its citizens.

There are other ways. We have heard a number of speakers talk about -- and the speaker just before me did also -- providing ancestral, biological, and medical

information, and I would argue that the State of New Jersey has already taken a great step in that direction. There are many ways, other than the ways contained in Bill 2051, to achieve that end.

The third point which I would like to make is, Bill 2051 would require that agencies search for a biological child at the request of a biological parent. This would place an undue burden on agencies and direct scarce agency resources away from their primary mission of finding secure adoptive homes for children.

Point Four: The proposed legislation stipulates that adoption records may be opened when the adopted child reaches the age of maturity -- 18 years of age. It is our belief that the teenage years are much too turbulent and emotional a period for young men and women to fully understand and rationally evaluate such an emotional issue. Therefore, we would propose that adulthood, in this instance, be defined as no younger than 25 years of age.

I would like to add that as you consider this issue, the rights of all parties must be preserved and protected -- that includes the rights of the adopted child to know about, and understand, his or her background; the rights of the biological parents, who are perhaps only in their early to middle teens, to grow into adults and establish themselves in society with the degree of privacy and anonymity they were promised. And, that includes the rights of the adoptive parents to be the permanent full-time parents to their children.

This proposed legislation fails to guarantee these rights. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we hear from Evelyn Zeimet?

EVELYN ZEIMETZ: My name is Evelyn Zeimet. I am a birth mother and co-founder of Origins.

My treatment from Catholic Charities was quite different from Judy Heatly's, former Director of Birthright and birth mother herself. There are social workers who treat birth mothers without human dignity, and still treat them this way fifteen years later.

I am a birth mother who was forced to surrender my first child, under parental and society's pressure, to Catholic Charities in Newark, in 1966. No options, other than adoption, were offered to me, such as welfare or foster care. There is no love like a mother's love, and I loved my daughter, and wanted to provide the best for her. I was told I was selfish for wanting to keep my own flesh and blood. The biggest lie I was told was that I would forget. You do not forget. The pain gets worse, not better, with time.

I searched for, and found, my daughter when she was 13 years old. At 15, I contacted her parents and have received several letters and pictures of them and their entire family. This went far in relieving the anguish I felt for 15 years. Her parents have not told her of my contact. They feel it is in her best interest to wait until she is 18, and I feel that is their decision to make.

I did the right thing by searching for my daughter. It is a very personal decision. I wish that other birthparents could share in the peace of mind I have from knowing that my daughter is alive and well, and that I can communicate, openly, with her parents.

Birthmothers are your next door neighbor, your teacher, your child's best friend's mother, the housewife, and mother. We are all normal, middle-class women who love our children so much we are willing to expose ourselves to criticism

by working to humanize adoption. Most birthmothers had little choice when they forced and coerced into surrendering their children. This sentence of life-long punishment does not fit the crime. If the worst thing I ever did was to give birth to and love my child, that's not so bad.

I cannot support this bill, unless it is amended to provide equal open access to birthparents of adult adoptees. Birthparents should not be forced to use an intermediary. I am in favor of open records of all adoptees and all birth parents.

Thank you for listening to me on this emotional and controversial subject.

ASSEMBLYMAN OTLOWSKI: Thank you.

Penny Partridge.

P E N N Y P A R T R I D G E: My name is Penny Partridge. I am an adoptee, an adoptive parent, a clinical social worker, and the President of the American Adoption Congress, which is a growing coalition of individuals and groups across North America, who believe that the permanent, sealed record is destructive not only to adoptees and to birthparents, but also to adoptive families. I would like to emphasize this because I hear, both openly and somewhat covertly, adoptive parents' concerns about what will happen between adoptees and their birth parents. I would like to suggest that if these adoptive parents are concerned, that you let your children hear you talking about their rights, rather than hear you talking about your concern for their birthparents, or your fantasies about their birth parents' concerns.

We adult adoptees are freer to feel our deep relatedness to our adoptive families when we are no longer denied knowledge of our birth families.

Now, I am going to share with you something about what goes on with adult adoptees who were born across the River, in Pennsylvania, where we have a form of open records. An adult adoptee, born in Pennsylvania, can send \$4.00 to the Division of Vital Statistics and receive back, sometimes in a few days and without going through any questioning or any extra expense or distress of proving their right to this, the original birth certificate, or what we call the long form of that. That has considerable information about their birth and their birth parents.

I checked this week, two days ago, with the Division of Vital Statistics for Pennsylvania, and they are consistently receiving an average of 25 requests per week from adult adoptees for their original birth certificates. What happens to the one hundred adult adoptees who receive those original birth certificates every month? Many take their time adjusting to knowing these names -- their own name and their birthparents' names -- for the first time in their lives. Some are even adjusting to an ethnic background that they did not previously know they had. But, generally, their adjusting has to do with switching from having a no-name, fantasy birthmother to having a real birthmother who has a particular name, age, and very real-life circumstances, which the adoptee has been part of. I think at that time, the adoptee becomes more real to herself or himself than she or he has ever felt, feels more in control of his life than ever before, and can begin to make some decisions about if, when, and how she or he would like to meet her or his birth mother or birth father.

Sometimes the adoptees never get the search started, but at least have a name to tie them to the reality of their beginning. We know from reports not only from search groups around here, but across the country, that when a birth

parent is found, there is well over a 90% chance that the birthparent will respond positively to contact by the adoptee, and that when there is an initial negative response, that often changes to a positive one if the person is given time.

Sometimes an adoptee searches for a birthparent, but does not succeed in the search. At least, however, this is real life the adoptee is dealing with, and not limitations imposed by a law that considers the adoptee the least important in the adoption triangle.

Sometimes an adoptee finds that a birthparent has died, and while this can be tragic, at least there are real things to be discovered about the person who has died.

Sometimes an adoptee finds a birthparent she or he may not like a lot. Again, this is real life and an opportunity for the adoptee to explore her or his own reality. The consistent response I hear from adoptees when they learn more about their backgrounds, no matter what they learn, is that they feel a kind of peace that they have never felt before. I fail to understand how our birthparents or our adoptive parents or the State of our birth could presume to deny us that peace.

I understand the objections that birthparents have to this bill, because it does not grant them unconditional access to the adoptive identities of the children they have relinquished. I have come to believe that people relinquish children for adoption only at great cost to themselves, and that they should not have to pay even more by never being allowed to know what happened to their own flesh and blood.

However, this bill does allow some birthparents some gains over what they have had in the past, and I think we should not sacrifice adoptees rights at this time because this piece of legislation is not all that we would like it to be for birthparents.

With regard to penalties imposed by this legislation for illegal handling of records, I think the biggest prevention of illegal access to records is to provide people with legal access to records they have a human and moral right to in the first place. No threat of punishment can stop people from trying to obtain their basic needs, and I believe that knowledge of our kin, whether by birth or by adoption, is a basic human need. No law can keep us from trying to fulfill that need, but laws can certainly make us miserable if they try to stop us. I believe that all three sides of the adoption triangle deserve better than this misery.

I would like just to add to the adoptee who wanted anonymity that it is my understanding that this bill would certainly provide her with a choice about whether or not to meet or know who her birth parents were, but it would give her the veto power if her birth parents wanted to meet her. So, I don't understand the concern that she has about this bill, as it has been written.

ASSEMBLYMAN OTLOWSKI: Penny, excuse me. Do you live in New Jersey?

MS. PARTRIDGE: I live in Pennsylvania.

ASSEMBLYMAN OTLOWSKI: Did I understand you to say that in Pennsylvania you pay \$4.00 and you--

MS. PARTRIDGE: That's right. An adult adoptee in Pennsylvania can send \$4.00 and receive the original birth certificate.

ASSEMBLYMAN OTLOWSKI: And, that payment of \$4.00 opens the record to whom?

MS. PARTRIDGE: Just the adoptee.

ASSEMBLYMAN OTLOWSKI: Supposing you lived in New Jersey and you paid that \$4.00 in Pennsylvania, would the records be available to you?

MS. PARTRIDGE: Oh, it doesn't matter where you live now, it matters where you were born. If you were born in Pennsylvania, then you receive your original birth certificate from the State of Pennsylvania.

ASSEMBLYMAN OTLOWSKI: Okay. Thank you very much.

Milo Moore.

M I L O A. M O O R E: I will try and follow your suggestion and not read the entire document.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

MR. MOORE: Mr. name is Milo Moore. I am an adoptive parent, and I am also a member of the New Jersey Committee for Adoption. I am speaking for myself.

I am opposed to 2051, for a number of reasons which I will be glad to speak about. In the written testimony I will skip right over the Federal Model Adoption Act, and how the proposal of the panel has been thrown out, almost in its entirety, except with respect to the adoption of children with special needs, which we were delighted to see passed in the Federal Model Act. The open record section, as you have already heard, was thrown out.

With respect to the adoption triangle, let me talk first about birth parents. At these hearings, you will be receiving, and have been receiving, many comments from a vocal minority who are aware of 2051's existence. By definition, you will not be hearing from many, if any, birth parents who wish to maintain the confidentiality they were promised in the past. They have no organization to come down here and present their views that I am aware of.

The bill is almost beyond belief, with respect to the retroactivity feature. Not only does it eliminate confidentiality in the future, but it makes prior assurances of confidentiality inoperative. As an adoptive parent, I give a lot of credit to birth mothers who elect to be birth mothers, rather than opt for abortion. The choice is hard enough without having to worry about one's life being disrupted 18 or more years in the future. The adoptee has access to the birth parents, with or without their consent. If the access is with the birthparents' consent, fine with me, but the bill is not written that way.

The retroactivity of 2051, I believe, is cruel and possibly unconstitutional, as we heard earlier. To change the rules after the fact is unfair, unjust, and, I believe, unbecoming of government. As to the future, it is my judgment that 2051 would increase abortions in New Jersey by removing a viable option which is presently available to pregnant girls and women. Choice is a very strong buzz word today, and Assembly Bill 2051 will reduce one's opportunity to choose.

As to adoptees, as an adoptive parent I greatly sympathize with the searchers. My son may one day become one. However, I believe it is an infringement upon the birthparents to give such access without their consent. And, as to the need for medical, health, and "whatever" data, there are existing mechanisms in place, as you heard earlier.

Another feature of 2051 gives the birth parents the ability to initiate a search through the agency. I for one greatly object to having my child legally bound to consider such a request at the age of 18, even if he has already decided that he wants such contact. Age 18 may be the legal voting age, but I am certainly not sure that it is the correct age to tackle such an emotional issue. I believe you even have to be 19 in New Jersey to drink a beer.

I think there are better ways to establish a two-way street between

birth parents and adoptees, with prior mutual consent. The Registry is one such suggestion which I endorse -- 2051 is not the answer.

As to adoptive parents, I feel they are the least threatened segment of the adoption triangle. I will speak for myself when I say that I will support my child if, as an adult, he wishes to seek out his birth parents, with their prior consent. I could not be supportive, however, of such a search against their wishes, since he may never have been born under the proposed new ground rules of 2051.

Let me add, by the way, with respect to the last comment we just heard -- about the \$4.00 fee in Pennsylvania -- I am told that was a loophole in the law which the Legislature over there is currently trying to plug.

ASSEMBLYMAN OTLOWSKI: Thank you.

Pam Hasegawa.

P A M H A S E G A W A: I am Pam Hasegawa, adoptee, coordinator of the New Jersey Chapter of the Alma Society.

I have just given to you, Mr. Kohler, 4,300 signatures on a petition in support of the open records provision of Assembly Bill 2051.

I am 39 years old. When I was 18, my father gave me several significant papers that he had kept until that time in my behalf. They included my certificate of birth by adoption, the court order for adoption which had my birth name on the cover, and my natural mother's hospital bill, with her name on it.

When I hear people oppose open records on the basis of protecting my natural mother's confidentiality as though it was an iron-clad guarantee of privacy, I am curious as to how consistently the agency which handled my adoption and the doctor who attended by birth broke the laws of New York State by giving out such names. That was confidentiality?

I am not here today in an attempt to get my own birth record opened; it is locked up on the other side of the Hudson River. I am not here to beg for agency information that would help me find my natural mother. God took care of that for me over three years ago, and I no longer suffer the vulnerability of one still in search.

I am here because you have said that you want to know how people feel about A.B.2051, and I would like you to think with me about the effects of the sealed records laws -which are no older than six decades in any state in this country - on the individuals involved, and on society as a whole.

As Mr. Burstein said earlier, the records were sealed to protect the parties involved from the prying eyes of the public, not from each other. Those sealed records laws have, in fact, served as a guillotine, permanently severing a relationship originated by God, allowing no room for reconciliation, forgiveness, or peace.

The sealed records laws, while they may have been passed with good intentions, have warped our society into believing that only a person who doesn't care for her child would give it up. The fact that those who oppose open records claim such a burning desire to protect the privacy of women who placed children for adoption makes me wonder how they really feel about natural mothers. I sense in such opponents not a deep concern for the natural mothers of the children they are parenting, but a fear that adoptive parents may lose the relationships they have poured their lives into, and a very genuine, if misguided, fear that if records are opened, access to future babies -- preferably healthy, white infants -- will be curtailed.

The adoptive parents struggling against this bill are clearly in conflict

in their attitudes toward natural mothers. On the one hand, they want their children to be proud of themselves and to think well of their origins. On the other hand, if those children, as adults, seek out their origins, we are warned that we may disrupt or destroy the new life the mother has made with her husband and later-born children.

This double message relayed to adoptees can only serve to confuse and complicate our lives. We grow up with the story that our mother cared enough about us to give us up, an uneasy truth, at best, to absorb as a child. And then, when we want to approach our mothers personally, we become villains instead of loving daughters and sons who want to bring healing to a separated relationship.

The opposition talks a lot about retroactivity. My response to that is when, historically, laws have been found to break people's souls, the new laws which replace the old become operative retroactively, inasmuch as injustice that has already occurred can be dealt with in that fashion. When Americans who were considered two-thirds of a person each were granted the right of self-determination, such freedom was given those who had long been bound by laws which gave other people control over their lives, not simply to those who should be born from that day forward.

My second response to this is the unfortunate parallel that while many people alive and searching today were born before the sealed records laws were passed, they are categorically denied access to their identities, not because their mothers were promised confidentiality -- because they were not -- but because the sealed records laws themselves were retroactive.

I am frequently asked one question when I discuss open records with people, and that is: "Why do you want to know who your natural parents are"? I deliberately did not address that question because I feel it is as unthinkable to ask that question seriously in the public forum as it would be to ask a infertile couple wanting to adopt to bear their souls before a legislative committee considering revision of the adoption laws. For anyone who has children to have the nerve to ask a couple who has been waiting years to have a child, "Why aren't you two trying to have a baby"? would be as insensitive and outrageous as someone who knows to whom they were born asking an adoptee, "Why on earth do you want to know who your parents are?" There is one simple answer to this question: Because I am a human being.

I have a couple of comments to make. One is, repeatedly it has been stated that Title 5 was deleted from the Model Act. Congress passed no legislation deleting Title 5 from the Model State Adoption Act, and we would have to ask Mr. Schweiker himself what led to his decision to exclude the records provision from the Model State Act.

My comment to the testimony of the person from the Church of Jesus Christ of Latter Day Saints is that many of us, when we are doing our research, use the genealogical files of the Church of Jesus Christ of the Latter Day Saints, and it totally incomprehensible to me how the largest genealogical society on earth can say that our personal genealogy, even going back one generation, has no validity.

I also have a question about people who keep talking and talking about the agency's promise of confidentiality to the natural mother. That is the only promise that anybody talks about, and I am curious about what some of the other promises made to the natural mother were, and whether the agencies have been able to ensure that all of those promises were kept.

You seemed to be surprised that in Pennsylvania a person could get their original birth certificate by sending \$4.00. The same thing is true in Kansas. It is also true in South Dakota. It is true in Alabama. An adoptee born and adopted before 1964 or '74, I am not sure which, can go back to Columbus and physically look at his or her original birth certificate. So, we are not talking about a national law that says we are forever separated from our natural parents. There is precedent for opening records in other states, and they have been open for 20 and 30 years in some states. I think it would be terrific if the New Jersey Legislature would have the courage to be the first state in current modern history to open these records to us. I thank you for listening.

ASSEMBLYMAN OTLOWSKI: Thank you. May I ask you a question, please?

MS. HASEGAWA: Unacustomed, as I am, to public speaking-- (laughter)

ASSEMBLYMAN OTLOWSKI: You do pretty good. You know, you just concluded by saying that-- I think you expressed the hope that the New Jersey Legislature would have the courage to open the records. Is that what you said?

MS. HASEGAWA: That's what I said, yes.

ASSEMBLYMAN OTLOWSKI: I didn't want you to leave without making a comment on that. You know, I think it was obvious when you sat here all day today, and I am just making this comment because I want it to be part of the record since this issue is so sensitive-- I just want to make this comment for the record, based upon what you said. I don't think it is a question of courage that is involved in making a decision here, when it is made by the Legislature. I think more than courage is the kind of dilemma this question presents, and the fact that in all of this -- as the testimony revealed here this morning -- there is the question of individual differences. I think that what is going to bother the Legislature more than anything else is the fact that they will want to do what is right, and I think they are going to find it difficult to determine what is right. So, it is not going to be a question of courage because I don't think that is involved here. I think there is something more basic that is involved here, and that is the fact that this is such a sensitive issue, and equally -- in my opinion -- meritorious on both sides. It is going to be very difficult, I think, for the Legislature to make a decision. I think that when the Legislature is presented with the fact that they are to make this decision, what they are going to be doing is not looking for their backbone; I think they are going to be looking into their conscience to make sure they do the right thing.

There are many times, I suppose, that legislatures need courage, but it won't be in this instance. It is going to be something more sensitive, something deeper than courage. It is going to be a question of their conscience to make sure that they are doing the right thing.

I just wanted to pass that on because I think we have spent the day together here in an honest exchange of ideas on both sides. I think you will grant me this, both side are equally as passionate in their convictions, and equally convinced that the truth is on their side. It is a very difficult decision here. I just want to make that comment at this time.

You were very persuasive and in your own way you made a very convincing presentation. I just wanted to make that comment about the word courage.

MS. HASEGAWA: Can I comment?

ASSEMBLYMAN OTLOWSKI: Yes.

MS. HASEGAWA: The people who think differently than I do seem to make a very black and white case out of it, as if all adoptees have never had the

right of access to this information. You know, anybody adopted in New Jersey before February of 1941 has access to the court records pertaining to their adoption, and in most cases their natural parents' names, or at least their birth names are on it. So, we are not talking about a law that is true for all people who are living at this time. There are a great number of adoptees who have access to this in our State and in other states, just because of the happenstance of the time of birth or the place of adoption.

I respect what you have to say about courage. The reason I said it would take courage is--

ASSEMBLYMAN OTLOWSKI: Excuse me. I have no criticism of you.

MS. HASEGAWA: I know.

ASSEMBLYMAN OTLOWSKI: You just gave me an opportunity by the use of that word, I think, to help and bring some more light on this subject, because it is a very difficult subject.

MS. HASEGAWA: Yes, it is.

ASSEMBLYMAN OTLOWSKI: You have been sitting here together we me all day today and I think that you may be-- It is always wonderful to be convinced completely about the fact that you are right, because then you can close out anything that anybody else thinks. But, I think it is obvious in this instance that there are two sides here that are equally valid. The only reason I made that comment is that I just hoped I could bring it into better perspective.

MS. HASEGAWA: Thank you.

ASSEMBLYMAN OTLOWSKI: But, by the same token, I think you very effectively presented your argument.

MS. HASEGAWA: Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you.

Marsha Riben.

M A R S H A R I B E N: My name is Marsha Riben. I am a birth mother. For the past five years I have been involved in the adoption movement. I have been a member of ALMA and am currently a member of CUB and ORIGINS. I have read many books on adoption and have attended many conferences, and have met and corresponded with representatives of all sides of the adoption triangle.

As Carol Asche, the adoptee who just spoke, very aptly said -- and I am sure that everyone here today is very well aware of this -- not all adoptees desire to search, but the right to should certainly be available to those who wish it. Adopted citizens should have the same unalienable rights as any other citizen, and open records could in no way hurt those who have no interest in searching.

One of the commonest arguments against open records is that of the protection of the anonymity of the birth mother. I believe this to be a false concern. Despite some of the prior testimony here today about most birth mothers desiring such anonymity, according to one organization, who did a great deal of research on the subject, it was concluded that -- and I believe the statistic was some 80% or so of birth mothers -- birth mothers do desire contact. It is a common misconception that her confidentiality was promised. A birth mother signs a very one-sided contract, and, in fact, gets nothing in return for her child, not even the promise of confidentiality. For many of us, if we do get it we never know it. I personally have never received a copy of the papers I signed to this day, so I don't know what I was promised and I what I wasn't promised. And this is very true of many birth mothers.

It is regrettable for women who surrendered their babies and assumed there was a veil of secrecy. They must accept the fact that they did not have an abortion, that for whatever reason -- even as a result of a rape, or whatever -- a human life was produced with rights that should be the same as any other human being. No citizen should be allowed to override the rights of another citizen simply to save themselves an embarrassment.

Suppose a woman decided not to tell her husband and children that she had been previously married? That certainly is her prerogative. But, if her ex-husband came to her door, she might have to admit the truth. She needn't open the door or welcome him with open arms; in fact, she could get a restraining order if he were a nuisance. But, she could not legally stop him from finding her.

The other commonly held argument is that open records would decrease the number of adoptions and escalate abortions. Both are false assumptions. We heard testimony today from Milo Moore, from Judy Heatly, and from Rita Martin. I took notes as they were speaking, and they all used words such as, they believed it "would" increase abortion -- it would; it might; it will. These are their assumptions and they are certainly permitted to have their assumptions; however, in Wisconsin, in Kansas, and in many other states with open records, statistics prove that there has been no increase in the abortion rate and no decrease in the adoptions since they opened their records.

If it does discourage some adoptive parents, this is not something to fear, as there are currently long waiting lists for healthy infants. Perhaps some of these people who are waiting to adopt would more seriously consider the plight of the hard-to-place, or the special-need children, who are available with no wait.

I would like to see open records legislation that would allow birth mothers and adoptees to find one another as they choose to. I believe in full and complete openness, with no stipulations as to intermediaries. Birth mothers and adoptees deserve the same rights, equally, just as each has the right of refusal. Why should any adult need protections built in for them by society? When my husband proposed to me, he had no intermediary do it for him. Had someone asked in his behalf, I might have reacted differently than I did when confronted face-to-face. Likewise, he had no buffer to protect him from the possibility of my rejection. I had a right to say yes or no, and he had to accept my decision. Society interferes with no other relationship between consenting adults that I can think of.

I would like to see Assembly Bill 2051 re-written including the right of birth mothers to search. Birth mothers who care enough to institute the process of searching are not intruding into the lives of their children and their families for selfish needs, but rather are making themselves available to alleviate the adoptees' inevitable fear of rejection.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

Marie Foti.

M A R I E A. F O T I: I am Mrs. Marie A. Foti. I am Chairman of The Concerned Adoptive Parents of New Jersey. The purpose of The Concerned Adoptive Parents is to protect the legal and moral rights of the adoptive parents and their families.

Our primary issue at the moment is to defeat New Jersey Senate Bill A-2051, which would open adoption records to adopted children at the age of

18, with the consent of the natural parents, if "reasonably" obtainable.

Number One: The bill violates the contracts entered into at the time of adoption by the adopting parents, biological parents, and State agencies.

Number Two: It is a definite intrusion of privacy by the State into the sanctity of the home and personal lives. It fails to include the consent of the adoptive parents whose primary concern was not only at the time of adoption, but at majority and beyond.

I feel that at the age of 18 I know the emotional stability of my child. I don't know if you would; or, I don't know the emotional stability of your child at this time. I feel that if it came to the point where my child were to become emotionally upset and physically disabled because of this problem, if she came to us, as a family unit, and said, "I am so upset", we would go to the court as a family unit, but it should not be made a carte blanche opening of all records to every 18-year-old. That is opening a Pandora's box.

Number Three: It also violates the right of privacy for the biological parents by inquiry alone. It opens that Pandora's box. The biological parent is not given the assurance that no one will later track her down and reenter her life. I have great respect for the biological parent. Let me tell you, every date my daughter has her birthday -- I am the adoptive parent, but I think, "somewhere in this world there is a woman who gave birth to this child." I am the mother, but I have deep respect for her, because without her, if she had aborted the child, I wouldn't have my beautiful daughter today.

Number Four: It disregards the fact that the adopted children are regarded as legal issue beyond the age of majority. They are entitled to rights of inheritance, and other legal aspects. I also feel that if at the age of 18 you open these records, do I have the right to stop the inheritance of this child also? She is my child.

Number Five: The amendment will change the whole concept of adoption from one being a parent to an extension of foster-parent care.

Number Six: The biological parent might reconsider placing the child for adoption under a foster-care situation. The love and future security of her child would be jeopardized. Abortion could be tantamount.

Since 1942, when adoption records were sealed in the State of New Jersey, adoption has flourished to the benefit of adoptees, adoptive parents, biological parents, and society. Concerned Adoptive Parents supports the institution of adoption as it now exists.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we have Betty Allen, please?

B E T T Y A L L E N: Mr. Chairman, my name is Dr. Betty Allen. I am a New Jersey School Psychologist and also an adoptee. I wish to speak in favor of opening adoption records, as provided in Assembly Bill 2051.

Adoption records are important. They have been carefully maintained, safeguarded, and kept confidential. But for whom are they maintained and whose confidentiality is being safeguarded? The paradox is that under the present law, my birth records are being kept confidential from me and not for me. And, who has a more legitimate right to know about the circumstances of my birth and adoption than I do myself? By the way, my adopting parents did know my entire life history.

The need to know our own history is very strong for most of us. It is not idle curiosity. It may be almost impossible to fully understand the intensity

of this need without having experienced, firsthand, the frustration of knowing that information exists, but is denied to those of us it most deeply affects. It is particularly strong where mystery surrounds our past in sealed records and secrecy. Had records disappeared by natural disaster, it would be less difficult to accept.

There is a very strong human urge to know the truth about our history and origins as individuals and as groups. It forms an important basis of our perception of ourselves and our sense of identity. Knowing the truth enables us to better accept ourselves as mature human beings, complete and at peace with our past.

To learn the truth is not always a smooth and comfortable process. Anxieties can be raised and the experience can have great emotional impact. In my own case, I found that my mother was a deaf mute. Not able to fend for herself, let alone a child, she spent many years in the North Jersey Training School. It was difficult for me to integrate this information into my knowledge about myself. It was, nevertheless, the high point of my life, at age forty-nine, to meet her and to understand more about both of our lives. This experience enhanced beyond words my feelings of compassion for her and her difficult life circumstances. When I saw the joy our meeting brought to my birth mother, I was convinced that my seeking her out, even after so many years, was absolutely fitting and appropriate.

I am told that the second version of the Pandora story, which is apparently very strongly accepted, is that at the very bottom of Pandora's box is hope, and in my case, my Pandora's box held hope.

There is a growing perception in the general population that it is no longer justifiable to maintain records and information which are not available to the individuals to whom the information applies. The Freedom of Information Act provides that all school records are open to parents and to students at the age of eighteen. Medical records and information, even though potentially disturbing, are no longer withheld from patients. Open adoption records is an issue whose time has come.

Though I understand the good intentions of those who wish to protect us from the possible hurt which might result from finding out the truth about ourselves, those of us who would rather not take this risk will protect ourselves by not searching until or unless we are ready to do so. Very few things in life which are truly worthwhile come easily.

One outcome of my finding my birth mother was unexpected. My sister, a natural daughter of my adopting parents, gave me information which lead to my finding my birth mother. My sister shared this experience with me, and it resulted in a deepening of our relationship. Through the experience, I came to understand her better, and I developed greater compassion for my adopting parents.

I was fortunate in having had a very favorable adoption experience. There is no doubt in my mind that my adoption was very positive and very advantageous to me. My adopting parents were exceptional people, and I hold their memory more dear now that I understand the circumstances of my beginnings in life, which they knew all along.

I feel that I have gained the best of all worlds -- a fuller understanding of myself, the chance to experience a deeply moving, almost spiritual meeting

with my birth mother, and a deeper compassion and love for my adopting family. And, I met countless new friends and relatives from my birth mother's past. I have lost nothing but the uncertainty of not knowing the truth of my beginnings.

There is no mystery for me now. Mine is an example of a very positive experience. My strong wish is that others have at least the opportunity for the kind of fulfillment which is now mine. I hope that they would have the support of an adopting family as loving as mine has been, and that their experience of finding a parent would be as deeply touching and rewarding as it was for me. I know this is not always possible. I feel, however, that the choice to search should be available to the adopted adult. The decision should be ours to make.

I, therefore, strongly urge passage, without modification, of Assembly Bill 2051 which would make adoption records accessible to adult adoptees. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

Thomas McGinn.

T H O M A S M c G I N N: Mr. Chairman, my name is Tom McGinn. I am an adoptive parent. I had a list of written things I wanted to say today. Since I have arrived, I have been sitting here for about four and one-half hours listening to all of this.

I am opposed to Bill 2051 for a couple of reasons. Actually, they just came more to light than they were about a week ago. The amount of people in this State who are adoptive parents, adoptees, or birth mothers that are not aware of this bill, are probably mind-boggling, and I feel for the Committee to pass this on to a vote without the knowledge of this bill being circulated much more in the State than presently exists, would do a great deal of harm to all the parties involved.

There are two points I would like to bring up here. I am also opposed to the bill for a couple of other reasons, and for that reason I passed out a petition to friends of mine who are residents of New Jersey and they signed it. One fellow I work with signed it. This fellow, having only worked with me for the last five months or so, informed me that he was an adoptive parent in this State and he had absolutely no knowledge of this bill. He was shocked by it.

I also have a friend for the last 20 years, who, about ten years ago, adopted a child in this State and who has since moved to Ohio. He is now moving back to New Jersey, and has been staying at my house one or two days a month while he is working out his moving arrangements. When he was informed of this bill, he was in shock. So, I really would like the Committee to take into consideration the vast amount of people who are not aware of this bill. I think something should be done, both the pros and cons of this bill, to increase the public awareness, and let those people influence the Legislature about their feelings on this. I don't think the people in this room represent even a small percentage of the total people involved in this big, big decision.

Another reason I am opposed to Bill 2051 -- and I have been listening to this all day -- is the "rights" issue of this person and the "rights" issue of that person. There is no question that everyone involved in this issue, whether it be a birth mother, an adoptive parent, or the adoptee, has rights. But, it seems that in some cases one has more rights than the other.

If the bill goes through in its present form, it denies the right of choice for someone to say, "Yes, I want to be found," or, "I don't want to be found." I begrudge no one their right to find their offspring or to find their

parents. I don't think any law should do that. But, no law should be passed that denies a person a choice in this matter. There are many considerations in this bill. The medical history record is a very big consideration. The rights of the adoptive parents are a consideration.

As the bill presently stands right now, it is in almost utopian form. I just don't think that any legislature in this country has been very successful with this. So, I would recommend that the bill go back to committee and be changed.

One of the considerations that should be given to it is whether someone at 18 years of age can make the decision as to whether to search for their parents, or to meet their parents. It can only be pointed out that the State of New Jersey decided, I think about four years ago, that you could drink beer at age 18; and then about a year and one-half ago, they changed that to 19. With something as important as the confidential information as to who they are and who their parents were, I just don't think it should be carte blanche, as this bill would allow.

ASSEMBLYMAN OTLOWSKI: Let me ask you this: You are an adoptive parent?

MR. MCGINN: Yes.

ASSEMBLYMAN OTLOWSKI: From listening to the testimony today -- throughout the day -- there are hard lines drawn on each side. Is there anything that you see in the middle here that would satisfy both sides; or, must the lines be drawn as sharply as they are?

MR. MCGINN: No, you can't draw lines in this situation.

ASSEMBLYMAN OTLOWSKI: Excuse me?

MR. MCGINN: I don't believe in just making one decision and satisfying everybody. It is a very big decision, as far as I can see. It is a tremendous decision that is going to have to come out of this Committee. I think, myself -- and I am very proud of my little son, and I would wish him anything he wanted -- I would not grant him the right to infringe upon someone else's rights. That he will be taught. This bill will give him that right.

I think the answer is the open registry. I think that is the ultimate answer to the whole thing. And then, a person who wants to search has the right to search. A person who doesn't want to be found has the right not to be found.

ASSEMBLYMAN OTLOWSKI: You are coming to the conclusion, you are saying, that you would have the law remain as it is, with the exception that you would make a change to provide for an open registry for those people who would want to use the registry?

MR. MCGINN: Yes. I think that would ensure the rights that everyone has spoken about today. It would ensure the rights of someone who wants to search. They would have the right to search. But, if the person for whom they are searching does not want to be found because of a particular situation-- I mean there have been many long, drawn-out hypotheses today. We have gotten into incest. We can't change things on small percentages. Majority rules in this country. That is the way it is set up. If we are going to change the whole society because of 100 cases of incest over 50 years, then we are going backward.

I think the fundamental thing is the protection of rights, and an open registry would secure those rights.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

I am going to call Mrs. Bunny Cook.

E L I Z A B E T H C O O K: Thank you for your indulgence. I question myself.

I am a birth mother, and I have questions like, "Is she alive?"

ASSEMBLYMAN OTLOWSKI: Excuse me. May we have your name for the record?

MRS. COOK: Bunny Cook -- Elizabeth Cook.

ASSEMBLYMAN OTLOWSKI: Elizabeth Cook?

MRS. COOK: Yes.

ASSEMBLYMAN OTLOWSKI: And you are speaking for yourself?

MRS. COOK: Yes.

ASSEMBLYMAN OTLOWSKI: And you were saying?

MRS. COOK: I live with questions, wondering if my daughter is alive; is she well; is she happy. I found that the passage of time and the signing of papers cannot sever the bond of love, nor can burying my head in the sand alter the facts or ease the pain. Pretending that Laurie doesn't exist does not help me forget.

We must not ignore a person's reality prior to the adoption, nor the effects it can have later in life. If I had a pet I couldn't keep, I would want to know who would care and how. Yet, I have abandoned my daughter and trusted in strangers.

A murderer can have a confession thrown out of court if it were signed under duress. A minor can be absolved of the responsibility of a contract due to immaturity. A marriage can be annulled on the grounds of ignorance. Yet, a frightened, ignorant child can be pressured into signing a contract that parts brother from sister, child from parent, irrevocably. We have condemned these people to a lifetime of ignorance and mystery concerning their heritage.

I resent being protected from my own child, and from the truth. This young woman deserves the answers to her questions and I deserve the answer to mine. Please give us the opportunity to grow and face our realities. Open the records.

I loved my child enough to reject abortion. Certainly, I am not now going to damage her and the life she knows. I just want to reach out with love. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you.

Mary Hauptmann. Mary, are you speaking for yourself, or for an organization?

M A R Y H A U P T M A N : I am speaking for myself.

ASSEMBLYMAN OTLOWSKI: All right. Do you want to give us your name, Mary?

MRS. HAUPTMAN I am Mary Hauptman I am a mother. I am also a daughter. I was told my mother died when I was a baby and I grew up missing her all these years. I can only imagine how I would feel if at any time I were to find out that she hadn't died, but was still living. I would be furious at those who deceived me, of course, only for my own good -- my own good, or their presumed own good?

How can it be good not to know? "Know the truth and the truth shall make you free." I have always believed this and I have lived it. My husband and I have five children. I have always told them: "I will never lie to you. If you ask me, I will tell you the truth, but make sure you are ready for the answer." I cannot protect my children from hurt in life. I can only be there when they need me. I do not own my children. They are free to come and go, to seek information on all things or not, as they so choose. But, they do have a choice; adoptees do not. That's why we are here.

We are talking about adults. Adult is defined in the New Webster Dictionary as, "relating to full strength." I think we all try to raise our children so that by the time they reach 21, they are full strength. If they aren't, we are still there for them if they need us.

There should be no fear here. Adoptees wanting to know their birthparents are no more leaving their adopting parents than is a person leaving their natural parents when they marry. It is adding, not subtracting. As we gain in knowledge in life, we grow. If we try to shut ourselves, or our family, in, we wither and weaken. Our society is strengthened by adults who have a firm sense of heritage.

Do you who sit here on the Committee realize how fortunate you are? Has it ever occurred to you how secure you are to know that your grandmother came to the United States by way of Canada and that your father's brothers are in Massachusetts, New York, Illinois, and California? The family stories about how your great grandfather would wake up with snow on his blanket because it had drifted in the cracks in the attic where he and his brother had to sleep may not seem very important to you, but they are always nice to know. We all have vivid imaginations when it comes to thinking the worst. If I didn't know my parents, I would wonder: Were they murderers? Did they try to drown me when I was born? Or, did a boy and girl love each other so much that they threw caution to the wind and suffered ever after for it?

Are we trying to protect adults from possible hurt, or are we really punishing former sexual behavior? Please don't protect my husband and me from our child -- our first born. I want our son to know that we did love him and that we did what we thought was best for him. He has four sisters and a brother that would love to know him. Allow him to legally have that information if he so chooses. Thank you.

ASSEMBLYMAN OTLOWSKI: Thank you very much. Do you want to give me a better look at the picture? Don't presume anything for the Committee, please. I was very tempted to tell you a story, but I am not going to. That is a nice family.

JoAnn Morella.

J O A N N M. M O R E L L A: My name is JoAnn Morella. As President of P.U.F.S., Parents of United Family and Children's Society, I am here today to represent the majority of 300 members of our organization. We are opposed to Bill 2051 for the following reasons, and feel the bill should not be passed:

To retroactively open adoption records to adult adoptees allowing them the right to search without prior notice or consent to the biological mother could cause a very tragic reunion. An unwelcomed reunion could cause a traumatic impact on the biological mother's new life with her present family. In the same respect, the adult adoptee might have to face the possibility of rejection.

The secure, peace-of-mind feeling of confidentiality, which the adoption was initially based on, is completely destroyed by this bill. Therefore, the knowledge of such intrusion at any given time from the adult adoptee could cause a young expecting mother to opt for abortion rather than choose a partially confidential adoption. Further, she may even opt to keep the biological child even though circumstances are very difficult and not in the biological child's best interest. This could very well reduce the process of adoption.

By allowing the biological mother to contact the placing agency and initiate a search for the adult adoptee, the unexpected reunion could cause devastating emotional harm to the adoptee. The adult adoptee may not even know he or she

is adopted at that time. Confusion and shock is a terrible burden to suddenly place on an innocent human being.

As parents, we feel the biological mother should have no right to reenter the adoptee's life and intrude on the family unit. When the biological mother made the initial decision to surrender her biological child to a licensed agency, a legal, binding contract of surrender and confidentiality was agreed upon and signed by all parties involved. This legal document should then not be allowed to be broken retroactively by the biological mother.

Bill 2051 is damaging to the adoption triangle. It should be stopped. It should not be passed.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

May we have Alicia Giesa. Am I pronouncing that right, Alicia?

A L I C I A G I E S A: Not many people get that right. I am here as--

ASSEMBLYMAN OTLOWSKI: Alicia, hold it for a moment please. Will you give us your name, and please pronounce it correctly, all right?

MS. GEISA: My name is Alicia and I am here representing myself -- a birth mother.

ASSEMBLYMAN OTLOWSKI: Thank you very much.

MS. GEISA: I am here today because I am a birth mother who surrendered her child to the adoption process, and because I believe in open records for adoptees and birthparents. I am very fortunate to have searched for and been reunited with my daughter, and that glory belongs to God. I not only have a good, growing relationship with my daughter, but with her adoptive parents as well. And, there has been no disruption in their family or in mine. We communicate frequently to share in her best interest.

When I was pregnant I was told that for me the only viable option was to surrender my baby for adoption, and that would prove that I loved her. Upon surrendering my daughter, I found that I was in a world of closed minds, closed records, and guaranteed confidentiality, which I had never asked for and never wanted. In my case, as in the cases of the birth mothers present in this room -- and as you have already heard Carol Gustavson say when she contacted her four children's birth mothers -- none of us want that anonymity.

We are only a few, but there are thousands more out there hoping to find, or to be found. Yet, prevailing wisdom has said in the past, and still implies today, that birthparents want continued confidentiality, and this just isn't so.

Birthparents of adult children, as well as adult adoptees, should have the right to search for each other if that is their need.

Because of the pain and suffering that I felt through the years, I came out of the closet to start my search. I had to know, one, if she was alive. And, I had to know if all the promises the agency had made to me about the kind of adoptive family she would be placed in had been kept. Birthparents have no way of ever knowing if these promises are ever kept, and how much of what we are told is truth. I needed to know that she was all right physically and emotionally. I had done extensive reading on adoption, and I had met and talked with many adoptees and adoptive parents, and I kept hearing the same thing: The adoptee's overwhelming need to know who they were, and the need for information that would fill in the gaps of who they were so they could feel rooted and whole. Hearing this need reiterated over and again gave me more cause to doubt that decision I had made all those years ago, as a good one, unless I could be contacted for

information. And, finally, the most painful, was to hear that the supreme sacrifice we birth mothers had made out of love for our children -- surrendering them to adoption -- was being twisted by society and felt by adoptees to be an act of rejection and the reason most used to keep us apart.

ASSEMBLYMAN OTLOWSKI: Alicia, let me ask you this question: How many children do you have?

MS. GEISA: Three now.

ASSEMBLYMAN OTLOWSKI: You have three? And, the adoptive parents that you spoke to, how do they feel? Do you have any knowledge of how they feel about opening up the records?

MS. GEISA: They were going to come looking for me when she was 18. So, she has always asked questions, and they have always been open and honest with her and given her any information they had, which was very little considering the amount I gave to the agency.

ASSEMBLYMAN OTLOWSKI: And you are saying they would have no objection to opening the records if the records were opened?

MS. GEISA: They are interested in her best interest; and that is what she wanted, so they were going to help her find me.

ASSEMBLYMAN OTLOWSKI: In your case, you were obviously highly motivated to find out where your daughter was, isn't that so? You were very highly motivated. Did you know where she was? Did you know where her adoptive parents were?

MS. GEISA: Not at first. After a while I knew, and then I waited.

ASSEMBLYMAN OTLOWSKI: How long did you wait?

MS. GEISA: Six months.

ASSEMBLYMAN OTLOWSKI: Oh, you found out that quickly.

MS. GEISA: That is how long I waited before I contacted her parents.

ASSEMBLYMAN OTLOWSKI: But how long were you kept in ignorance of who her adoptive parents were?

MS. GEISA: Fourteen years.

ASSEMBLYMAN OTLOWSKI: It took you 14 years?

MS. GEISA: Well, I went to the agency, and they just wouldn't -- I kept going back and going back and they wouldn't help me.

ASSEMBLYMAN OTLOWSKI: And in that 14 years you were constantly searching?

MS. GEISA: I was constantly wondering and thinking about her. I didn't actually search until about 3 years ago.

ASSEMBLYMAN OTLOWSKI: Do you want to continue?

MS. GEISA: Yes. I am here today to speak to this bill, 2051. The way the bill reads now it is unfair to birthparents of adult adoptees. The way it reads now, birthparents are still being punished. It does not address the problems or the needs of the birthparents. It continues to force birthparents to use intermediaries and it doesn't give us equal rights in finding out answers to our unanswered questions, a need we have just as much as the adoptees.

The penalty clause, fining people who help and who could actually be a positive force in easing the suffering and torments suffered, has got to be amended. The way it reads now, it is taking what could be a positive step and turning it into a negative deterrent. Bill 2051 can be a good bill, but I hope some of these parts will be amended so that all members of adoption that suffer the injustices of adoption are treated equally and fairly, and so there is openness for all.

ASSEMBLYMAN OTLOWSKI: Alicia, thank you very much.

May we have Gerard Thiers

G E R A R D T H I E R S: Thank you, Mr. Chairman.

ASSEMBLYMAN OTLOWSKI: Gerard, do you want to give us your name and who you are representing?

MR. THIERS: My name is Gerard Thiers. I am from the Department of Social Concerns at the New Jersey Catholic Conference.

ASSEMBLYMAN OTLOWSKI: What is your position there?

MR. THIERS: I am Director of the Department of Social Concerns.

ASSEMBLYMAN OTLOWSKI: What do you do besides being concerned? What kind of work do you do?

MR. THIERS: The Conference represents six Catholic Dioceses in New Jersey. In my specific field, I represent the State Catholic Charities, Social Concerns, and Family Life Agencies.

ASSEMBLYMAN OTLOWSKI: Are you close to this problem?

MR. THIERS: I work extensively with the Directors and the agency staff who are involved in the adoption proceedings.

ASSEMBLYMAN OTLOWSKI: Parents of adopted children, children of adoptive parents, and the natural mothers -- do you work closely with these?

MR. THIERS: Mr. Chairman, the agencies and the staff that I work with are intensely involved with these people. I am their spokesman.

ASSEMBLYMAN OTLOWSKI: Yes, but your agency is intensely involved?

MR. THIERS: Yes.

ASSEMBLYMAN OTLOWSKI: Let me ask you this question: We heard a lot of testimony today, particularly from mothers. There were very few fathers that we heard from. We primarily heard from mothers here today. The testimony dealt with a number of situations. I didn't hear any testimony at all today on something that is happening to our social system, and I was just wondering with the things that are happening to our social system, how would that fit into the context of this bill? I was just wondering, based on your experience, if I posed some questions to you if you would be able to give any answers?

It appears to me, by all the statistics that I look at, that marriage is less common today, for many, many reasons, and that people in the lower socio-economic bracket -- in many instances there may be a mother who may have several children with several fathers. In that kind of a situation, what would a bill like this do to individuals who were confronted with that kind of a social problem in your opinion?

MR. THIERS: Mr. Chairman, to me that question demands a lot of thought. Would you mind if I consulted the agencies and get a written response to your question?

ASSEMBLYMAN OTLOWSKI: Yes, I would appreciate that. I would appreciate it if your Agency would submit a written statement addressing that problem in relationship to this bill, or how the bill could be tailored to meet a problem such as that -- or whether a problem such as that can be met. That would be number one.

Number two, is there somewhere in this whole area that we talked about today where there could be an answer that would at least come closer to answering some of the questions that we are asked here today, without the lines being drawn as tight as they are here this morning?

MR. THIERS: Mr. Chairman, our agencies recommend that -- you know, the compromise they would recommend as a good one would be legislative approval for a voluntary registry in this State, where birth parents and adult adoptees could obtain records when they mutually request it. We feel, however, that if the bill, A-2051, is enacted as it stands right now, it would cause great harm. The removal or confidentiality would cause great harm to many of the parties involved in an adoption proceeding.

ASSEMBLYMAN OTLOWSKI: John, do you have a question?

MR. KOHLER: Jerry, if a voluntary registry were adopted, I sense the registry would work from the perspective that an adult adoptee would contact the registry, as would a birth mother or a birth father, and then if contact is agreeable between both, that contact would be set up. Is that correct?

MR. THIERS: Yes.

MR. KOHLER: Okay. My question is, how would that address the problem raised by Dr. Omand about the continuing need for up-dated medical information, both from the perspective of the adult adoptee and/or the birth mother or the birth father? And, it doesn't have to be an adult adoptee, I guess. Maybe a registry could be set up allowing an approach by adoptive parents, if the adoptive parents so chose. I don't know; it depends on how it would be tailored. But, I wondered how the medical information aspect would be solved by this registry?

MR. THIERS: First of all, John, I want to make it clear that I think that the registry should work on a mutual request, where both parties have to consent or make the request before the records can be open to them.

Secondly, concerning medical records, I have been advised by the--

ASSEMBLYMAN OTLOWSKI: Wait, you are saying that on the question of the registry, the request should be a mutual request?

MR. THIERS: Yes.

ASSEMBLYMAN OTLOWSKI: A two-fold request, coming from all the parties concerned?

MR. THIERS: Yes. Presently, our agencies, Mr. Chairman, do that. When there is a request of, say, Catholic Charities in Camden or Catholic Charities in Trenton -- if there is a request by one party, say the birthparent, and then there is another request coming in from the adult adoptee, then the agency will effectuate a reunion at that point. But, it has to be a mutual request by those parties. We oppose a one-sided search by just one party. We feel it may cause harm to the other party involved in the adoption.

ASSEMBLYMAN OTLOWSKI: Proceed, Jerry.

MR. THIERS: Mr. Chairman, I just want to respond to Mr. Kohler's question concerning medical records. I believe right now the Division of Youth and Family Services has a medical records form in adoptions. I have been advised of that by my agency directors. That does have medical information. Perhaps, in terms of up-dated records, that could be possible -- in terms of an agency making contact to provide up-dated information.

MR. KOHLER: Is that medical record form universal for adoption agencies in New Jersey, or is it just for DYFS-related adoptions?

MR. THIERS: In our agencies, we do have medical records.

ASSEMBLYMAN OTLOWSKI: Okay, thank you.

MR. THIERS: Mr. Chairman, thank you very much.

ASSEMBLYMAN OTLOWSKI: As I mentioned, that problem is a growing problem.

I would just like to get some thinking on that to see how it is related to the whole thing we were talking about today. It is a whole different problem than we have been talking about, but, yet, it is going to be an important thing that we are going to have to face.

MR. THIERS: I will get a written response to you soon.

ASSEMBLYMAN OTLOWSKI: Thank you.

Colleen Martin. Colleen, are you speaking for yourself, or are you speaking for an organization?

C O L L E E N M A R T I N: Myself. I am a member of ALMA, but I am speaking for myself.

My name is Colleen Martin, and I am an adult adoptee, former adoption social worker, and a member of ALMA. It has been my experience that in our dealings with each other we generally keep secret those things of which we are in some way ashamed. The secrecy with which adoption has been surrounded implies shame, and is a burden with which each adoptee must struggle in the effort to achieve a stable identity. Those who are not adopted take for granted a knowledge of their biological background, and integrate it unconsciously into their self-concept. Adopted people, lacking this knowledge, live with something missing. How important this is varies with the individual, but just as an exercise, I would like those of you who are not adopted to try to imagine not knowing your nationality, your family's medical history, and never in your life having known a single person to whom you had a blood relationship. It need not be so. The questions adoptees ask about themselves are universal. The searches we embark on are not for our mothers, we know them -- they raised us. The search is for ourselves, and for information about ourselves, and there is nothing to fear.

I support AB-2051 as an alternative to the inhumane closed records laws, which I believe have failed miserably to do that for which they were intended, which was:

1. First and foremost, to protect the rights and needs of the adopted child;

2. To protect the confidentiality of the birthparents; and

3. To protect the integrity of the adoptive family.

The adoptive family, once the child has reached adulthood, no longer needs protection from interference on the part of the birthparents. By the time a child reaches adulthood, his nurturing family relationships have been formed. If his experience was good, his relationships are good; and, likewise, if they were bad, the relationships are bad, and no third person can alter that, one way or another. Growing research indicates that the majority of birthparents do not desire privacy from their biological child. Indeed, many birthparents have as strong, if not stronger, need than adult adoptees to connect with their biological child and be assured of their child's well being, and to have the opportunity to answer their child's questions.

Now, to the area of my most personal expertise -- the rights and needs of adult adoptees. Today, there are thousands of adult adoptees searching for their birthparents because they have a psychological or medical need to know. Closed records laws are frustrating and demoralizing obstacles to the adult adoptee, because they relegate us to perpetual childhood and limit our freedom as adults to self-determination.

Supporters of closed record laws contend that these laws are necessary to protect the adoptee from the possible painful truth of the circumstances of their

origins, and to protect the adoptee from the possible pain of rejection by his/her birthparents, should the adoptee seek and contact them. Why is it so difficult for non-adopted people to understand that not knowing the truth of your origins and not knowing what the response of your birthparents might be is much more painful than learning the truth? Every adoptee who searches realizes the risks involved and freely chooses to take them, much as every young couple that gets married realizes that almost half of all marriages end in divorce, pain and disillusionment. It seems obvious to me that it is not the function nor the responsibility of government to protect its adult citizens from possible rejection, disappointment, nor the possibly painful realities of the truth of their origins.

To illustrate this point, I would like to briefly describe my reunion experience which took place ten months ago. I will spare you an account of the lengthy and frustrating search experience which would not have been necessary if I had had access to my birth record. I contacted my birth mother by phone. After first establishing that she was free to speak to me privately about a confidential matter, I said: "My birthname was Colleen Smith. I was born on July 31, 1945, and I have reason to believe that you are my birth mother." Her immediate response was, "Thank God. I always prayed that you would find me someday."

We proceeded to talk for two hours, during which time we answered many questions for each other.

ASSEMBLYMAN OTLOWSKI: Excuse me. How old were you then?

MS. MARTIN: Thirty-six.

ASSEMBLYMAN OTLOWSKI: When you called her?

MS. MARTIN: Yes. I was thirty-six; she was fifty-five. It took a long time to find her.

The circumstances of my conception were--

ASSEMBLYMAN OTLOWSKI: Colleen, excuse me. Were you making that effort for a long time to find her?

MS. MARTIN: I first contacted the agency when I was twenty-one years old. I was working as an adoption social worker at the time, and I realized the importance of knowing my background.

The circumstances of my conception were that my birth mother was 18 years old when she was raped by an unknown assailant at knifepoint. A police report was filed by her doctor, but the assailant was not caught. Now, how did that knowledge affect me? Of course, I was disappointed that I was not the product of the Romeo-Juliet love match that I had fantasized. I felt pity and compassion for my birth mother. However, I do not feel that society needed to protect me from this knowledge. Since rapist behavior is not hereditary, I don't believe that this knowledge has had any detrimental effect on my self image. My disappointment is in the fact that my birth father was not caught and thereby identified. Because I assure you, sir, that even if he were in prison today, I would want to locate him in order to learn his half of my genetic, medical, and cultural background.

The conclusion to my reunion experience story is that for both myself and my birth mother the reunion was a healing and beautiful experience. By mutual choice, I have met and am forming relationships with my birth mother and half sisters and brothers. I realize that not all reunion experiences end happily, but I ask you, in good conscience, can you condone a law which denies the adult adoptee the possibility of ever finding out how his personal life story might work out, or, indeed, how it ever even began?

ASSEMBLYMAN OTLOWSKI: Thank you, Colleen.

Barbara Boyle. Barbara, can you give us your name? You are representing an organization, aren't you?

B A R B A R A B O Y L E: Yes. I am speaking for myself, but I am also representing an organization. My name is Barbara Boyle, and I am Vice President of the Adoptive Parents Organization of Trenton, and I am also an adoptive parent.

I am opposed to Assembly Bill 2051 concerning open records for adoption. The bill proposes to retroactively open adoption records to adult adoptees seeking birthparents, and to birthparents searching for adult, biological children. The missing element, I believe, on both sides is consent or knowledge of the party they are seeking. When dealing with the "right to know" or the "need to know", where is the responsibility to the other sides of the triangle?

Unexpected reunions can only cause chaos and undermine the entire adoption system. Fewer unwed mothers would opt for adoption, faced with a traumatic reunion; thus, abortion would increase. Fewer couples would chance adoption, threatened by the surprise reentry of a birthparent into their lives and into their adult child's life.

Eighteen may be a legal age, but what are the emotions of an eighteen-year-old? The right of all birth mothers who wanted anonymity for themselves would be violated by the retroactivity of the bill. We should all be allowed the freedom to choose our own destinies and not have that right infringed upon by an individual who puts his rights and needs above all others.

Agencies are helping to establish mutually acceptable and fulfilling reunions between consenting parties. There may well be a day when all records are open. Let us hope by then that the rights of all parties have been respected and that we are at peace with the freedom we have achieved.

I would like to say, on a personal note, that Pam Hasagawa was speaking before about the opposition, and you spoke about the lines being drawn so tightly. I don't believe the lines have to be drawn tightly, and I don't believe that birth mothers are in opposition to adoptive parents, or that adoptive parents are in opposition to birth mothers. I think that the concern of all is for our children, and if our children wish to search, I think it is becoming a widely-accepted and encouraged idea to help them in finding their birthparents. I think that we have to cooperate on all sides, and possibly the solution to this is the registry, which does not violate anyone's rights, but which may help everyone in the end.

ASSEMBLYMAN OTLOWSKI: Barbara, on that note, I think it is a good time to adjourn. Let me just say this, Barbara: The Committee, of course, will have this record made available to it -- not only the committee but the Legislature will have the record made available to it also. I am told by John Kohler that we are going to have about 500 copies of this record made. So, the record will also be distributed on a first-come/first-served basis to those people who apply for the record.

Let me just give you some ideas that are associated with this bill and with the legislative process. First of all, I think we will all agree that from the legislative point of view, the Legislature was very fortunate that there were two able spokesmen -- Burstein representing the openness of his particular bill, and Assemblyman Deverin taking the other position, of keeping the records closed and only opening them through the court process.

I think those of us who heard both Assemblymen were convinced that they made their presentation convincingly -- both of them did -- eloquently, effectively,

thoroughly, and, as a matter of fact, I think with great competence. Obviously, their presentations are going to carry great weight with the Committee and with the Legislature itself. Deverin, of course, will be on the floor, if this is ever debated. Unfortunately, Burstein will not.

The bill, as it stands at the present time, will have had this hearing. As I indicated to you when I opened the hearing, Assemblyman Burstein is leaving. When he finishes this term, that will be the end of his commitment to the Legislature. This then puts his bill -- because I don't see this bill going anywhere in 1981 -- in a very peculiar position because he hasn't been reelected to prefile the bill for the 200th session. So, he doesn't have the right to prefile that bill.

Somebody else may pick up the bill and prefile it; I don't know. Or, the truth of the matter is, it may become a different version by way of a committee bill. In any event, I am tremendously impressed with all of you and with the testimony that was given here today. As I indicated, all of you who presented testimony -- whichever side you took -- presented it well and, as a matter of fact, with great conviction. Maybe that is what makes it even more difficult, the fact that both sides presented their arguments and their positions so well.

Based upon this testimony, based on what I have learned about this problem as a result of this hearing, as a result of the mail I have had, and as a result of the meetings I have had with different people who represent different groups and different committees, I have a better understanding of the whole problem.

I may or may not be the Chairman of this Committee next year. That depends upon a lot of circumstances. I would, off-hand, predict that in all likelihood I will be, since I am not a very ambitious person. But, in any event, if I am the Chairman of the Committee, I will do everything I possibly can to get the Committee to act as quickly as they can on this version, or on the kind of a version that could come out of the Committee.

I don't see that happening until sometime in the latter part of February or March because of the great changes that are taking place in the Legislature, and with the fact that the new legislature comes in on January 12th, and the new Governor comes in on the 19th. So, we will be consumed with the change-over, rather than with a lot of the legislation. There will be people asking for committee assignments. People will be requesting chairmanships. The Speaker, of course, has the authority to appoint chairmen and to appoint the committees, so we are in that kind of a twilight area for the moment. I just want you to know that because so many people, during my soup period at lunch, were asking me about the legislative process, and where we are with this bill. I just wanted to make that clear.

Now, one other very, very important thing for all of you, and for those who didn't have the opportunity to testify. John tells me that you have until December 23rd to submit written testimony that will be part of the record. Those of you who have not submitted your testimony, if it is not in John's possession, you have until the 23rd to submit your testimony.

One other thing. John, do you have something to add?

MR. KOHLER: If you have your written testimony with you today, on that metal chair in the center aisle, there is a folder. You can place your written statement in that folder.

The second thing is, anyone who wishes a transcript of this public hearing, there is also a yellow pad on that chair. Please print your name and address on the pad.

ASSEMBLYMAN OTLOWSKI: In conclusion, I just want to say this: I want

to express my appreciation to all of you. You have all been wonderful. As a matter of fact, I also want to express my appreciation to those of you who have met with me, individually or collectively, to give me the benefit of your thinking. Speaking very personally, this has been one of my great experiences in the public service. In all of the forty years I have been in the public service, this is probably one of the toughest problems that I am going to have to grapple with.

When the time comes, as I indicated to you before, I am going to make my decision, and I hope and pray to God that I make the right decision. Thank you very much. We stand adjourned.

(hearing concluded)

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President
FLORENCE FISHER

June 14, 1980

Mrs. Diane D. Broadhurst, Executive Secretary
Model Adoption Legislation and Procedures
Advisory Panel
Children's Bureau
P. O. Box 1182
Washington, D. C. 20013

Dear Mrs. Broadhurst:

The ALMA Society Incorporated (Adoptees' Liberty Movement Association) is an organization incorporated under New York State's Not-for-Profit Corporation Law, representing 15,000 adult adoptees and natural parents, with a reunion registry databank of more than 140,000 persons separated through adoption who wish to be reunited.

We have carefully reviewed the provisions of Title V of the proposed Model State Adoption Act and accompanying Introduction and Commentary, as published in 45 Fed. Reg. 10621-10699 (February 15, 1980). The patient and sensitive treatment of the unsealing of adoption records, as set forth in Title V, to which the present comments are confined, reflects a triumph of correct thinking and humane understanding which has few parallels in documents of this kind. The Advisory Panel is to be commended for a superb achievement. We hope that Title V will, in its present form, find its way into the Model Act as eventually approved by the Secretary and by her submitted to the Legislatures of the several States, which could not find a better model in the legislation of even the most enlightened foreign countries on this subject (Great Britain, Israel, and Finland).

Perhaps the most striking achievement of the Panel in articulating its underlying thinking is the following:

" . . . there can be no legally protected interest in keeping one's identity secret from one's biological offspring; parent and child are considered co-owners of the information regarding the event of birth."

45 Fed Reg. 10691, col. 2.

A parent's property descends to the child on the parent's death.
A parent's nationality passes to the child on the child's birth.

Just as the parent and child are co-owners of that nationality, so the Model Act makes them co-owners of the information regarding the event, birth, which forms the indissoluble link between parent and child, and which commences the child's link with the nation to which he belongs.

Just as a child may not, during minority, exercise control of any property which he owns, but may commence doing so as soon as he attains majority; so the Model Act provides that the minor adoptee, although already co-owner, from the moment of his birth, of the information relating thereto, may not have access to it until majority, but then may have such access. The entire unsealing scheme of the Model Act fits, with perfect congruence, into the time-tested structure of our law.

That is more than can be said of the sealed records system which the Model Act would supersede. That scheme can find no analogy in modern law: to find its like, one must have recourse to the law of slavery as it existed in this country until 1865, or to the system of royal marriage contracts of centuries past, when infant princes and princesses were betrothed to each other while still in the cradle, and then forced to consummate their "marriages" when they became teenagers. Only in such obsolete legal institutions can one find anything similar to the sealed-records-adoption system, which expects an adult adoptee to serve the interests of his four parents, and the contract they made but he did not, the whole of his natural life.

A review of a substantial portion of the comments sent to the Model Adoption Legislation and Procedures Advisory Panel reveals that critics of Title V of the Model State Adoption Act generally focus on the retroactivity of the proposed legislation and the fact that it does not require the consent of the natural parent to disclosure of his or her identity to the adult adoptee seeking such information. Retroactivity and nonconsent are thus identified by these critics as injustices from which the natural parent should be protected. How curious it is that these two evils -- retroactivity and nonconsent -- are the very injustices which the sealed records laws visited upon the adoptee at the moment of adoption. The adoptee was at that moment stripped of his natural identity, his pre-adoption past and ancestry, his roots, with full retroactivity, and also without his consent. The laws then (and still) in effect did this to him, and only a change in the laws can now undo it, insofar as it can be undone. The Model State Adoption Act would merely restore to the adult adoptee the birthright of which the prior laws deprived him. And, just as the original deprivation was retroactive in regard to him, and without his consent, so the restoration cannot be accomplished without making it retroactive in regard to his natural parents, or without denying the natural parents any power to prevent such restoration by withholding their consent.

This, we believe, is the rationale which explains and justifies the Panel's declaration, in the final paragraph of the preamble of the Introduction to the Model Act (45 Fed. Reg. 10625, col. 1), "Where the rights of parties involved in the adoption process are in conflict and no compromise is possible, the principle of adoption as a service to adoptees governs, and the adoptee's rights must prevail." Exactly. Those critics who now attack this sentence and plead for equal treatment of adult adoptee, adoptive parent, and natural parent, conveniently

forget that the adoptee is the only member of the triangle who was put into it without being consulted and without consenting to be there. The only way whereby adoptee, adoptive parent, and natural parent can be treated equally now is to restore to the adoptee the rights that were taken away from him, to serve the convenience of the two sets of parents, at the time of adoption.

Opponents of the Model Act speak of adoption as if it were an exercise in undiluted altruism, with the adoptee the sole beneficiary, and the two sets of parents cast in the role of selfless benefactors. The truth, of course, is quite different. The natural parents received a benefit from the transaction -- relief from the duties of parenthood during the adoptee's childhood years. The adoptive parents got what they were looking for -- a child that nature had denied them. The adoptee got a home during childhood, which may or may not have been as good an environment as he would have had if there had been no adoption. The two sets of parents got what they were seeking. The adoptee, however, is compelled to pay the price of their comfort and convenience, by being subjected to a lifelong denial of his identity and roots. What the Model Act does, and all it does, is to bring the adoptee's servitude to an end at the time his minority ends. That is the moment when a nonadopted child becomes emancipated from his two parents. It is the right moment for an adoptee, as well, to be freed from having to serve the needs of all four of his parents. Those who find it so hard to see the parallels between historic slavery and present-day adoption-with-sealed-records should remember that the same word, emancipation, which was used before 1865 to represent the ending of a slave's status as a slave, is today used by lawyers (as it has always been) to designate the ending of a minor child's duties to his parents. Usually this occurs when the child reaches the age of majority, but it can occur earlier. All adult adoptees ask for is emancipation at the age of majority, and that is exactly what the Model Act gives them.

An article published in The New York Times, March 18, 1980 (p. C12, cols. 1-4), by-lined by one of the paper's London stringers (Susan Heller Anderson), under the caption, "The Adoptee's Right to Know: Study Calls British Law a Success", while containing much accurate information, also contains a glaring error. Stating that the Children Act, 1975 (23 & 24 Eliz. II, c. 72), has had several important results, identifies one of them as the following:

"First, there are far fewer babies available for adoption. 'In England and Wales in 1968, a total of 24,831 babies were available,' Mrs. Mawer said. 'This dropped to 21,299 in 1975 as a result of legalized abortion. But since the Children Act has been in effect there has been a rapid decline to only 12,121 babies in 1978.' That they may later be traced may inhibit some mothers from giving up their babies, she said."

Following the publication of this article, our counsel, Professor Cyril J. Means, Jr., of New York Law School, telephoned Dr. John P. Triseliotis, Senior Lecturer in Social Work at the University of Edinburgh, whose publications and testimony were the most significant influence on the Houghton-Stockdale Committee in recommending, and on Parliament in passing, the Children Act, 1975. Professor Means

June 14, 1980

read Dr. Triseliotis the above-quoted paragraph, and asked him to comment.

Dr. Triseliotis replied that the author misunderstood the significance of the figures given her. He reminded Professor Means that the Houghton-Stockdale Committee had recommended, and Parliament had enacted (first in the Children Act, 1975 (23 & 24 Eliz. II, c. 22), § 10 (3), and afterwards in the Adoption Act, 1976 (24 & 25 Eliz. II c. 36), § 14 (3)), that, if a married couple petitioning to adopt "consist of a parent and step-parent of the child, the court shall dismiss the application if it considers the matter would be better dealt with under section 42 (orders for custody, etc) of the Matrimonial Causes Act 1973." The courts have, in nearly all such cases, dismissed step-parent adoption petitions, and instead made custody orders under the Matrimonial Causes Act, since the Children Act received the Royal Assent on November 12, 1975. In consequence, Dr. Triseliotis advised Professor Means, the figure of 21,299 babies available for adoption in 1975 still contained step-parent adoptions, whereas the 1978 figure of 12,121 contained practically none. As is well known, step-parent adoptions, where permitted, account for about half of all adoptions. The difference between the 1975 and 1978 figures, therefore, does not represent a reduction or a withholding of babies from adoption at all.

With the general conclusions of The New York Times article, however, Dr. Triseliotis agreed, stating to Professor Means that the opening of records to adult adoptees in England and Wales since 1975 has produced none of the dire consequences which critics of the Children Bill had predicted prior to its passage. Those dire consequences are the very same which opponents of the Model Act are now predicting if it should be adopted.

But one need not go all the way to Great Britain, Israel, or Finland to find that laws permitting adult adoptees to obtain their records work no ill and much good. Right in the American heartland, the State of Kansas has always permitted the State Registrar of Vital Statistics to open the original birth certificate "upon the demand of the adopted person if of legal age" without requiring any showing of good cause or court order. Kansas Laws 1943, c. 226, § 1; Kansas Laws 1951, c. 355, § 23; Kansas Laws 1978, c. 247, § 1; 5 Kansas Statutes Annotated § 65-2423 (1972 & Supp. 1979). On May 15, 1980, Robert C. Harder, Secretary, State Department of Social and Rehabilitation Services of the State of Kansas wrote the panel a letter enclosing Comments on the Model Act. On page 5 of those comments appears the following reaction to § 502 of the Model Act:

"This section provides for access of the original birth certificate to adopted adults. Kansas already has this law. This law has been in effect for several years and to our knowledge has caused no problems to the birth parents, adopted adults, or the adopting parents. We are in favor of continuing this provision in the law."

Indeed, the last sentence of the quotation from the New York Times article, viz.: "That they may later be traced may inhibit some mothers from giving up their babies, she said", represents a

reading of natural mothers' attitudes which is foreign to the way natural mothers really feel and think. A shrewder insight into natural mothers' minds is offered by the following paragraph from an affidavit of Linda Cannon Burgess, A.C.S.W., a social work expert of whose 23 years of professional service, 19 were spent in adoption, 14 of which were as executive director of two different adoption agencies in Washington, D. C.

"4. Some adoption workers believe that, if natural mothers knew they could be found by their offspring in later years, there would be a decline in the number of babies surrendered for adoption. My own view is that this is the exact opposite of the real situation today, and that the decline (which has already occurred) in the number of babies being surrendered for adoption is due to the fact that unmarried mothers today are unwilling to surrender their offspring with no prospect of ever seeing them again."

Affidavit, sworn to April 1, 1978, annexed to Plaintiffs' Memorandum of Law, dated April 3, 1978 (at p. 169), filed in ALMA Society v. Mellon, 459 F. Supp. 912 (S.D.N.Y. 1978).

In a later paragraph in the same affidavit, Mrs. Burgess found another adoption worker's argument, that the unsealing of records would motivate prospective relinquishers to resort to the black market instead of agencies, to be

"totally misconceived, because the real reason why the natural mother today is refusing to surrender her child for adoption is that she cannot be assured that she will not lose contact with her child forever. If natural mothers were given assurance that there could be contact with their children in later years, I am confident that many more natural mothers today would surrender their children for adoption, and, of course, in choosing between placing her child for adoption with an agency, which keeps records through which such later reunions would be possible, and selling their children on the black market where there are no records, a natural mother would choose the agency route."

Id. (para. 23, at pp. 174-75).

Mrs. Burgess, whose authoritative work, The Art of Adoption (Washington: Acropolis 1977) is based on her participation in over 900 adoptions, and follow-up interviews in 50 homes in which she had placed 167 adoptees, also testified, on May 14, 1980, in favor of the Model Act before the House Subcommittee on Select Education. One of the pithier observations she made in the course of that testimony was the following:

"Social workers wave the flag of confidentiality as rationale for keeping records closed. They say they promised unmarried mothers that the records would be sealed and confidentially kept. They lied. For, even as promises were made, the social workers knew that for just cause the records could be opened by the courts and information given to the petitioners."

All the existing sealed records laws either textually state, or if their language on the point is silent, have been judicially interpreted to mean, that a court could order the record unsealed upon a showing of "good cause". Not to have mentioned that loophole in the existing laws while promising confidentiality to a prospective relinquisher made such promise fraudulent. If the "good cause" exception had been mentioned, a natural question would have been, 'But what constitutes good cause?' Not even a lawyer, let alone a social worker, could have answered that question, for, until very recently, there have been no decisions defining "good cause." The only honest answer would have been, 'I don't know.' So, an honest promise of confidentiality simply could not have been made. What the argument about retroactivity boils down to, then, is the assertion that, however fraudulent and misleading the promises of confidentiality were, they must now be maintained, no matter how much they harm the only person involved in the transaction, the adult adoptee, who was too young to understand what was being done with him, because a promise is a promise, even though the adoptee did not make it.

All that the Model Act would do is to define, at long last, in clear and unmistakable terms, one kind of "good cause." That is curative legislation. Curative legislation clears up an ambiguity in an older statute, and is not held impermissibly retroactive on that account.

One of the concerns expressed by Congress in the Act underpinning the Panel's work was to facilitate adoptions. Mrs. Burgess's analysis of the real attitude of present-day mothers of illegitimate babies points the way to facilitate adoptions: Promise them not confidentiality, but, by unsealing the records to adult adoptees, the chance of eventual reunions, and you will see many more surrenders of infants to agencies for adoption than are taking place today under existing sealed records laws.

In 1980 the British journal, Adoption and Fostering, published the full text of a General Register Office study by Cyril Day on Access to Birth Records. Mr. Day is Counsellor at the General Register Office in London. Publication of the full text of the study, which is Crown copyright, was by permission of the Controller of H.M. Stationery Office. The conclusions of this study were reported by the Department of Health and Social Services to Parliament in November, 1979. The study deals with the working of the Children Act, 1975, particularly § 26 which gave adopted adults the right to obtain a copy of their original birth certificate after meeting a counsellor. The report is based on the first 500 interviews given at the General Register Office in London, following implementation, in November, 1976, of § 26 of the Children Act, 1975.

The following three conclusions were of especial interest:

"9. There was compassionate understanding of the situation of the natural mother, both at the time of parting with her child, and as affected now by the retroactive legislation." (p.27.)

"12. Hostility towards a natural parent was rarely expressed by applicants." (p. 27.)

"20. For the vast majority of applicants, probably above 90 per cent, the acquisition of birth information did not appear likely to cause undue anxiety or distress either to adopters or the natural parent, where traceable." (p. 28.)

In the full text of the study, the following passages were particularly pertinent:

" . . . Overt hostility towards a natural parent was extremely rare. The general impression created by those interviewed was that the overwhelming majority were mature in outlook and expectation, if not in years, had given thought to the step they were taking, had considered the possible implications, and had no wish to cause distress to any other person, whether an adopter, natural parent, or relative. A subjective comment made by a counsellor who has interviewed over 600 persons is that the adopted adult coming forward seems more than usually sensitive to the attitudes and feelings of others." (p. 20.)

" . . . It was also interesting to hear the same kind of self-appraisal being made by men and women of widely differing social or intellectual background. Feelings related to personal identity are naturally individual, yet all applicants shared one overall purpose. They wished to know, beyond all doubt, and from official records, the true verifiable facts of their origin." (p.22.)

These assessments of English and Welsh adoptees upon being granted access to their birth certificates were foreshadowed by testimony concerning Scottish adoptees given before the Houghton-Stockdale Committee:

"The Deputy Registrar General for Scotland said that he could not recall any complaint made by natural relatives who had been traced through the Registrar General's records."

Cmnd. 5107 (1972), § 302.

While ALMA opposes compulsory counselling, as prescribed for England and Wales (but not for Scotland) by the Children Act, 1975, the fact that it exists has provided the opportunity for the above-quoted study.

Another favorite feature of half-hearted reform legislation is the provision of compulsory intermediaries between natural parents and searching adult adoptees. ALMA opposes such compulsory intermediaries even more vehemently than compulsory counselling. Nevertheless, certain valuable statistics have emerged from the use of intermediaries.

If one consults the July, 1976 study sponsored by the Child Welfare League of America, The Sealed Adoption Record Controversy: Report of a Survey of Agency Policy, Practice and Opinion (ed. Mary Ann Jones), at pp. 18-19, esp. Table 5, one discovers that 39 responding agencies, mostly in the South and Midwest, had conducted searches, at the request of adult adoptees, for natural parents. 128 natural parents so traced agreed, while 24 refused, to meet the adult adoptee. That is a ratio of 84% to 16%. This sample of 152 natural parents is, of course, a purely random selection.

A subsequent similar program at New York Foundling Hospital located

35 natural mothers at the request of adult adoptees. 34 agreed to a reunion; one disagreed, and then changed her mind. Counting her as a nay-sayer, the proportion of yea-sayers to nay-sayers in this random sample was 97%.

Turning to a Special Report, Unsealing Sealed Birth Certificates in Minnesota, by Ruth C. Weidell, M.S.W., Adoption Supervisor, Minnesota Department of Public Welfare, presented at Child Welfare League's 1979 Midwest Regional Conference and published in 59 Child Welfare 113-119 (Feb. 2, 1980), one discovers that, of 182 natural parents traced, at adult adoptees' requests, through the use of adoption agencies as intermediaries pursuant to the new Minnesota law which became effective June 1, 1977, 109 desired contact while 73 desired no contact, a ratio of 60% to 40% (Chart 2 on p. 118.) The radical disparity of this ratio when compared with those of the two random samples discussed above suggests that many of the intermediaries being used in Minnesota are probably deliberately sabotaging reunions which, under better auspices, would be occurring.

The best intermediary is no intermediary. ALMA's position on this subject is clearly stated by Margaret McDonald Lawrence of The Adoption Study Project in a paper she read at the Northern California ALMA Conference at San Jose on March 23, 1980, in the following passage:

"Legislation requiring intermediaries between adult adoptees and their biological relatives would not only perpetuate and expand the degrading chattel status of adoptees, but would extend it into the lives of those relatives being sought, making them involuntary social work clients as well. If some adoptees are willing to endure this new humiliation, they should realize that their relatives may not be so willing. It is predictable that some birthparents, who would otherwise welcome contact with their lost children, will decline the opportunity to be returned to social work supervision. Through the reunions accomplished by the activist groups, we have learned that almost no birthparents have refused to respond to direct contact from their children and that contacts handled in this way have been a positive experience for the people involved. The five states that have no sealed record roadblocks to such contacts also provide no reports of difficulties because of it. Yet already we are hearing from those states that have enacted intermediary laws, of a high incidence of birthparent refusal of the social worker initiative. In the absence of any evidence of necessity for intermediaries, there would seem to be a far greater risk of injury with them than without them. The presence of a third party, however well meaning that intermediary might be, is an unwelcome intrusion into the intimate relationship between mother and child. It is human to resist and resent that intrusion. Adoptees should remember that their mothers have not been lifelong and unwilling victims of social work experiment, as adoptees have been. Having the freedom to choose, few people willingly submit to the direction and management of others, even though those others might profess to be expert in managing human affairs.

"It is understandable that legislatures and courts might find the use of intermediaries a welcome compromise that allows them to offer some relief to some adoptees at no risk to themselves or those shadow-mothers whose continuing need for secrecy is so resolutely claimed by the service professionals. But there is one thing no person can compromise without serious consequences to his own self esteem, and this is his right to direct his own life and make his own personal decisions free of the control of the State, the agency, or either birth or adoptive parents. The price of the intermediary solution is too high in terms of pride and dignity and self respect -- for both adoptees and the birthparents they seek. The issue is whether adoptees are to be allowed to emancipate from the chattel-child status into autonomous adults, or are they to continue to be infantilized by the ongoing control of their childhood guardians."

Some critics of the Model Act have pointed out that one of the Congressional concerns expressed in the legislation underlying the Panel's work was that special attention should be devoted to the adoption of hard-to-place children; then they argue that Title V on opening records is irrelevant to the needs of such children. In reality, such children are in even greater need (and at an earlier age) of access to information about their up-to-date medical history and genetic background than ordinary child adoptees are. Up-to-date family medical history can be obtained from only one source, the adoptee's family -- not his adopters, but his natural family. No matter how completely such information is compiled and put into a file at the time of adoption, such information lying dormant in the dossier obsolesces with each passing month. Newly appearing medical symptoms and conditions in the natural family are not by some magical psychokinesis transferred from the family in which they appear to the agencies' files, and thence to the adoptee or his adopters.

On May 14, 1980, I testified before the Select Educational Subcommittee of the House of Representatives. I quote here part of what I said then, as it defines, as clearly as I can, the intrinsic evil of the present sealed records system, which enactment of Title V of the Model Act, wherever it becomes law, will abolish:

"Lies are the cornerstone of adoption as it exists in the United States today! For the agency to guarantee confidentiality to the natural mother is to give her license to build her life on a lie. The foundation of family life is truth, yet she is 'counselled' to build a 'new life,' - 'counselled' to deceive a prospective husband by not telling him that she has borne a child who is related to any children they will beget together - 'counselled' that it is moral to bring children into this world - all brothers and sisters - and deprive them of each other.

"To perform a sexual act which brings another human being into the world is to render yourself accountable to that child for all time. To give birth is to assume responsibility, a responsibility which does not end with the signing of a legal surrender. The legal surrender is the signing away of custody rights during the minority of the child. No parent can sign away the rights of the adult he will become.

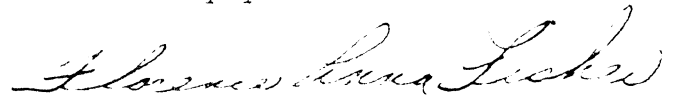
"To 'counsel' a natural mother that upon signing the surrender paper she can then forget she has nurtured a child in her body for nine months in mankind's closest relationship is to sentence her to nurture that secret in her soul, just as she once nurtured her child in her body...a secret that will fester and grow - a cancer within her, affecting not only husband and children adversely, but every relationship into which she enters, for such is the power of the lie.

"For the agency to promise the natural mother a 'new life' is for them to hold out the spectre of reincarnation. We are all given the privilege of life...one life...a life in which we are held responsible and accountable for our actions. Our surrendering parents are no less accountable to us, the adopted, for the truth of our origins, than we are to our children...or than any other parent is to his child.

"We are privileged to live in a free society...a society in which one is held responsible for taking a life. Based on this premise one must be equally responsible for giving a life. Illogically, the sealed records laws free the parent of accountability, condemning the child, by his mandated silence, to support the lies of the parent. A mother cub will kill to protect her young, yet the natural mother, indemnified by the guarantee of 'confidentiality' - this government-endorsed license to lie - flagrantly builds her 'new life' on the grave of her child's human rights! Along with the false 'birth certificate', this legacy of lies is the foundation upon which the lives of the adopted are built...'in the best interests of the child.' Truly, we are the 'chosen'."

The ALMA Society (Adoptees' Liberty Movement Association) unreservedly supports Title V of the Model State Adoption Act in its present form.

Sincerely yours,



Florence Anna Fisher,
President

FAF:aMc



Main Office: 36 PROSPECT STREET WESTFIELD, NEW JERSEY 07090 (201) 233-2282

BRANCH OFFICES:

70 Tanner Street
Haddonfield, N. J. 08033
(609) 428-2667

32 N. Day Street
Orange, N. J. 07050
(201) 678-4975

December 1, 1981

Please Reply To:

- ☒ Westfield Office
☐ Haddonfield Office
☐ Orange Office

TO: New Jersey Legislature
FROM: Spaulding for Children
RE: A-2051, Adoption Records Bill

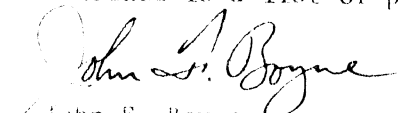
This bill is more complex than meets the eye and there is risk in too lean a commentary. However, we will try to keep this in outline form. Our focus is not on the adult issues but on the impact on service to children.

Our essential recommendation is that the key controversial issue, about adult adoptees, be segregated from all the rest of the provisions of the bill and that all those other provisions be dropped, allowing current law to stand in those respects.

The key issue is, of course, the right of an adoptee who is an adult to obtain an unamended, original birth certificate (Sec. 2, a through f, specifically Sec. 2, d). The other provisions have nothing essentially to do with the key issue. They cause severe problems with no compensating benefits to anyone and curing no known ills.

If the legislature accepts this recommendation, we have no further comment on the bill since the key issue of the bill does not affect our service to "hard to place" children and the adult constituencies on both sides can speak quite adequately for themselves. And, frankly, we can think of a number of more important concerns with regard to adoption and child welfare. However, they affect children more than adults and children are a more mite, far weaker constituency.

Attached is a list of problems with the other provisions of A-2051.


John F. Boyne
Executive Director

JFB:ek
encl.

11x

PROBLEMS WITH A-2051

I. ACCESS BY "EXTERNAL" PARTIES:

A-2051 forbids or restricts access to the following, either by failing to mention them among those entitled to access and/or by certain other strictures. The following, however, should have access to both sealed and active records:

- 1) agencies that have referred the children to other agencies for adoptive placement,
- 2) bona fide researchers,
- 3) state licensing authorities,
- 4) agencies, adoption exchanges, and adoption photolisting services that serve children waiting to be adopted.

All should be themselves bound by the law within New Jersey to the extent that their tasks do not require use of the information.

If, in fact, we could not give final documentation of adoption to a referring agency, that agency could never prove the child was adopted. Nor could we receive our purchase of service fee -- unless their authorities and auditors were willing to take our word without proof. This would be a set-up for fraud. A-2051 restricts access to "active" files and only to public agencies and only if purchase of service is involved. In our opinion, any child welfare agency that has placed a child for adoption through another agency should have access to audit both case and fiscal data related to the case.

If, in fact, bona fide researchers are denied access to sealed records, the law would be encouraging ignorance.

If, in fact, licensing authorities had no access to closed records, they could not even check on our compliance with A-2051 or other requirements for record keeping. We could bury unethical or irregular practices.

If, in fact, A-2051 seals records at termination of parental rights or voluntary surrender, agencies could never collaborate to place a legally free New Jersey child. Nor could they use resources such as adoption exchanges and photo-listing services. The very fact of the child being legally free and the events leading up to that could not be shared. The basic reason is that other agencies, exchanges, and photo-listing services are not specified as parties to the action sealing the record or as entitled to access. We also would lose certain valuable "tools of the trade," such as the ability to use "Child Is Waiting" features in the newspapers.

The bill is a bit fuzzy on the matter of foster care "sealing." I hope that the courts will assume, if A-2051 becomes law, that the literal cutting off of resources for waiting children was not intended. Otherwise, Spaulding and others would never again serve a New Jersey "hard to place" child.

I think in this section Mr. Burstein has fallen partly into the trap that almost every legislator falls into, viz. working out of a model that better fits healthy infant adoptions, not the needs of the majority of children awaiting adoption.

A-2051 creates a "no one but" list. Like all such lists, it ran and continues to run the risk of being incomplete and unadaptable to changing conditions. Current law states the principle of "sealed" records and leaves implementation up to regulation, custom, experienced practice, and the courts; while not perfect, this is far preferable.

II. ACCESS BY BIRTH AND ADOPTIVE PARENTS TO INFORMATION ABOUT THEMSELVES:

As for the issue of access of directly involved parties to the records about themselves, this is an even stickier problem. It is reasonably easy to separate information about the birthparents from information about adoptive parents. However, it is not at all easy to physically separate other records, except some purely non-genetic, medical records. Remember, adoption records are about families and relationships as much as or more than they are about individuals as isolated beings. It is absolutely impossible, syntactically, to comply with the terms of the bill vis-a-vis any comments in the records that deal with relationships. The nature of a relationship is what happens between two or more people. I can think of no form that can solve this problem. Even if sentences about relationships were allowed to be weeded out, the weeding out would be very time-consuming and subject to oversights. And we would be left with sentences like "BLANK loves BLANK" or, worse, like "John BLANKS Mary."

I also suspect this section of the bill would increase the fear that people in the community and some personal references would have of saying anything negative. So, if someone tells us that charming con artist John Doe is a long-time child abuser of his birth children and we should remove the child we placed with him and his wife, that informant has no guarantee of anonymity. (By the way, state authorities are forbidden from sharing child abuse or criminal records with private adoption agencies.)

These provisions seem a set-up for lawsuits under constitutional guarantees of privacy.

May I suggest the following half-solutions; if the legislature wishes to pass these provisions:

1. Grant confidentiality (perhaps even privileged communication vis-a-vis civil suits) to those who send personal, medical, psychiatric or psychological references on prospective parents.
2. Exempt running notes, which may be a mish-mash of comments and may not reflect the final thought or firm decisions of the agency.
- 3.a) Hold the agencies harmless of any liability for any alleged invasion of privacy of other persons in the adoption that may be caused by sharing information, documents, or copies of documents with an entitled person in which others are mentioned. This should include the sharing of such documents or information with third parties, as directed by the entitled person requesting the information, e.g., to a mental health clinic.

- 3.b) In the event that mandated compliance with the law, in any section, including that related to the adult adoptee, proves to be a violation of the federal constitution, the State of New Jersey should assume all financial liability imposed in a judgment by the courts. Moreover, it should assume the full costs of any lawsuit in which that issue is at question.
4. Certain documents or portions of documents could be specified as open to all parties who were adults at the time and who were the principal subjects of the document, e.g., the home study for both the adoptive parents, those portions of the agency's court report that relate to birth parents, those that relate to the adoptive parents. However, half-solutions #3a and 3b will be necessary to protect the agency if, for example, the birth or adoptive parents are at odds with each other or do not wish anything shared. It will also be important where there are parties other than the birth or adoptive parents so significant that they must be commented on in the records, e.g., close friends, boarders, extended family, other children (who may be minors or adults), et al. The adoptee's story is, of course, entwined in all sections except, often, in the home study. For a foster parent adoption, even the home study may involve the child.

III. THE MINOR ADOPTEE AND THE RIGHT TO KNOW:

Contrary to the impression of many, current law does not forbid the sharing of identifying information between any of the parties to an adoption. Indeed, in non-agency adoptions, it requires direct surrender of the child, parent to parent. What it does, in effect, do is forbid the sharing of information not already shared before the judgment of adoption is entered.

For all our ten years, as a matter of course, with rare exceptions, Spaulding for Children has shared the names of birthparents with adoptive parents so that that information will be accessible, in a normal and natural way, to meet the needs of the child. This respects the parental prerogative of the adoptive parents to assess what is best for their son or daughter, while the latter are minors. If we trust them with the child, we should be able to trust them with this information.

(By the way, our recommendation would not impose this philosophy of openness on other agencies. It would just allow us to continue our current, longstanding practice.)

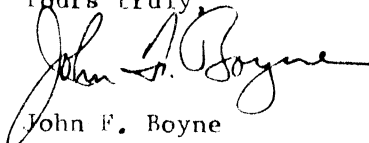
A-2051 seems to assume that, somehow, the issues raised by many adult adoptees only originate in adulthood -- as if some special gland zaps adoptees on their eighteenth birthday.

These provisions of A-2051 are not even a step backward into the past, for it forbids what was never forbidden. They hammer home to adopted children -- and their adoptive parents -- that they have a deep, dark secret so shameful it cannot be shared -- by dictate of the law yet! -- till they are adults.

Finally, though we know of no rights that are absolute and unbalanced by the rights of others, we do believe these three things:

1. It is the adoptees' presumptive right to know, for his heritage is himself.
2. The burden of justifying the withholding of that information is on those who would withhold it.
3. While the adoptee is a minor, the adoptive parents are the guardians of the adoptee's presumptive right and of its exercise.

Yours truly,



John F. Boyne
Executive Director

JFB:ek
encl.

EXAMPLES OF SOME
SITUATIONS FACED BY SPAULDING
IN RE RECORDS*

<u>REQUEST</u>	<u>PHASE</u>	<u>LEGAL STATUS</u> <u>OF RECORD AT TIME</u>	<u>DISPOSITION</u>
1) Single male applicant wanted to know who gave him a bad referral. Someone had done so. (The applicant was in fact a classic paranoid, also aggressive and litigious.) He wanted to sue the informant. No specific child was involved.	Home Study	Not Sealed	Gave copy of the record, <u>as it existed</u> , no name or phone called. Stated frankly our view that he needed a psychiatric screening. He refused. Stressed that the record was composed of our notes and reports and was our property, not his when wanted to my have them.
2) Married female applicant asked us to reject them but not tell her husband that she asked us to do so, lest he "kill" her. No specific child was involved.	Home Study	Not Sealed	Truthful but very sparse explanation of rejection: viz they could not handle the stress of adopting a special needs child. We privately recommended marital counseling to wife.
3) Couple and their attorney asked for records and explanation why we removed the child. (Family was very masochistic, inducing violence on part of disturbed child.)	After Placement and Before Judgment of Adoption (Finalization)	Not Sealed	Offered copy of record; they did not follow through. Their attorney worked hard to induce us to "justify" our move. We refused the bait and stressed that the family was not our client but the child that no <u>quid pro quo</u> existed, and that adult has the right to adopt through or absent the need and benefit of the child.

16x

* N.B. Exclusive of Agency to Agency, Professional to Professional Situations

<u>REQUEST</u>	<u>PHASE</u>	<u>LEGAL STATUS OF RECORD AT TIME</u>	<u>DISPOSITION</u>
4) Rejected couple were later in process of divorce. One spouse asked for copy of home study, presumably to use as "ammunition." No specific child had been involved.	Home Study (old)	Not Sealed	Refused copy of home study without written consent of other spouse or court order. No follow up by either.
5) Couple that we had placed with before adoption asked for "home study" to satisfy the U.S. INS in an international adoption rather than get a new "home study." (As a free adoption agency, we are vulnerable to manipulation in such matters. We were not willing to let our home study be used inappropriately -- as if we had done it for the foreign adoption.)	Home Study (old) But After a Finalization	Sealed	Sent copy of home study to the parents with notation on the home study that this was not done with a view to the adoption pending. All data in home study were derived from the parents and our opinions shared with them prior to finalization, we judged this not to violate the seal.
6) Emancipated minor adoptee at odds with his adoptive parents requested information about birth brothers and sisters.	After Finalization	Sealed	After consulting with our attorney, we refused to share the information we wanted to share. If he had had his parents' consent, we would have shared it. We had shared all the information with the adoptive parents; we consider re-sharing what we have already shared prior to finalization to be but a memory refresher and not a violation of the seal. However, we had not shared it with him at the time, so the seal stood in the way.

<u>REQUEST</u>	<u>PHASE</u>	<u>LEGAL STATUS OF RECORD AT TIME</u>	<u>DISPOSITION</u>
7) Adoptee, 13, asked her adoptive father for more detail about her birthmother. Adoptive father sought access to adoption record.	After Finalization	Sealed	Father was given access to the record, all of which had been shared with him prior to finalization. Father ph stated portions of the record to his daughter and could handle discussed content with her. This example is flawed since the father was me and as director, I had unquestioned lawful access to the record. However, if ever leave Spaulding, will expect full access to our record for any information already shared with me before finalization. <i>OTHER ADOPTIVE PARENTS HAVE, IN FACT, ASKED SIMILAR QUESTIONS.</i>
8) Young adolescent adoptee was hanging onto illusion that his birth mother would eventually take him back and that, therefore, he did not have to work at current relationships.	After Placement, Before Finalization	Not Sealed	Staff decided that the best course for this child was a hard, straight, dispassionate look at the written record -- with the adoptive parents and workers in the room -- the adoptive parents being already knowledgeable of all the facts. The combination of facts, thought, and support freed the child to attach to others without disloyalty.

These eight instances of seeking access to information in the records are typical. Depending on the meaning, "arrangements for placements for adoption", A-2051 would have restricted us (or caused unnecessary risk to Spaulding and others) in five of the eight instances, #1, 2, 4, 7, 8. I pulled these examples out of memory as I wrote. I have left all eight examples in on the chance that they might be helpful to you.

169
NEWARK STAR-LEDGER
NEWARK, N.J.
D & S 408,050

NOV 3 1981

READERS' FORUM

Adoption agency examines issue

DEAR EDITOR:

The law on sealed adoption records, like so many laws, is capable of various interpretations. Perhaps the following comments may help.

First, the current adoption law does not, as far as we know, forbid adoption agencies to share the names and other identifying information about birth-parents with adoptive parents (or vice-versa) before the adoption. That is a matter of agency policy and what it views as good practice. What the current law restricts is the sharing of information after the "judgment of adoption" is "entered" by the court.

Even then, customary interpretation of the law allows the sharing of certain information from the agency's records, e.g., the adoptee's medical records, with those who would normally have a right to them, e.g., a physician designated by the adoptive parents. Identifying information in agency is customarily considered absolutely, without exception, sealed.

* * *

Second, a number of agencies are aiding adult adoptees in "the search" but have certain requirements, e.g., a birth-parent must consent to the revelation of identity or to a meeting. This is not considered a violation of the sealed record but a current transaction, enabling people to share information about themselves. Agencies

may vary in what they will or will not do and in what they can or cannot do.

Third, the essence of Mr. Burstein's bill (A-2051) is twofold. One, it will allow adult adoptees access, via the original birth certificate, to the identities of their birth-parents. The consent of the birth-parents would not be required.

Two, it will create new and far more severe strictures on sharing information, even before the adoption decree. Even if all the principals are open, the agencies will be forbidden to share identifying information even before the decree.

A-2051, in effect, mandates that the adoptee must wait until he or she is 18. The dilemma of eloquent 12-year-old Sue Gustavson would remain unresolved. (In private adoptions, of course, the law will still require that there be a direct surrender, birth-parent to adoptive parent.)

Finally, if the survey done by the Children's Home Society of California applies to New Jersey, not just adoptive parents but all the principals are divided on "open records," including birth-parents and adoptees - only in different proportions.

I hope this sheds some light on some parts of the issue.

John F. Boyne, Executive Director,
Spaulding for Children,
Westfield

NEW JERSEY COMMITTEE FOR ADOPTION
P.O. BOX 583
NEW VERNON, N.J. 07076

December 11, 1981

Assemblyman George J. Otlowski
511 New Brunswick Avenue
Perth Amboy, New Jersey 08861

Dear Assemblyman Otlowski:

Again, I would like to commend you on the way the public hearing for A2051 was conducted. Everyone had a chance to air their opinions in a very professional atmosphere. There was obviously a lot of planning and work that went into making sure that all went well.

It was fantastic to see the thoughtfulness and expertise that you used in communicating with the differing groups.

Finally, I appreciated the help and thoroughness of John Kohler in dealing with a lot of people with emotional feelings.

Thankyou for making December 9th a positive day. If I can be of any help in the future, please call.

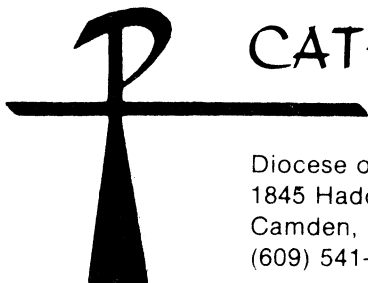
Sincerely,

Toni McHugh

Toni McHugh
Co-Chairman
201-540-0776

*He will
mail to
John
Kohler
for the
record*

[Signature]



CATHOLIC SOCIAL SERVICES

Diocese of Camden
1845 Haddon Avenue
Camden, New Jersey 08103-0709
(609) 541-2100

December 9, 1981

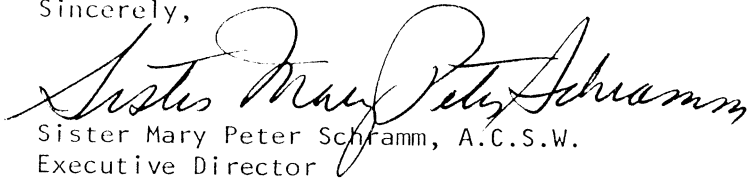
Chairman George J. Otlowski
511 New Brunswick Avenue
Perth Amboy, New Jersey 08861

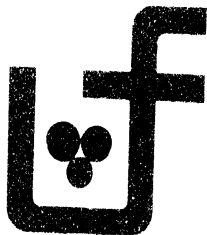
Dear Chairman Otlowski:

Please see the attached copy of testimony given by Reverend Robert Vitillo, Executive Director of Catholic Family and Community Services of Paterson, New Jersey.

I agree with Father Vitillo and hope that your committee will take seriously our objections to Bill A2051.

Sincerely,


Sister Mary Peter Schramm, A.C.S.W.
Executive Director



United Family and Children's Society
305 West Seventh Street, Plainfield, New Jersey 07060 755-4848

December 7, 1981

The Honorable George Otlowski, Chairman
New Jersey Committee on Institutions, Health, and Welfare
New Jersey State Assembly
State House
Trenton, New Jersey 08625

Dear Assemblyman Otlowski:

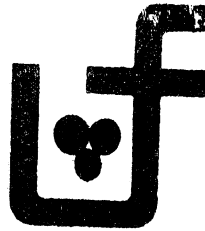
On November 23, 1981, the Board of Trustees of United Family and Children's Society, an agency engaged in child and family welfare since 1877, one of the oldest private agencies in the United States, registered its opposition to the Assembly Bill A 2051 by unanimous vote. Attached is a copy of a news release expressing The Board opinion.

From the point of view of our agency, the requirement for a "reasonable" search and disclosure of separate information to each party is itself unreasonable. From their viewpoint any change in the adoption laws of the State of New Jersey should receive careful review with regard to impact on the stability of the adoptee, the adoptive family and the surrendering parents. Opinion should be substantiated as much as possible by broadbased, reproducible and factual evidence.

Respectfully submitted,

Richard H. Sharrett, M.D.
Trustee, United Family and Children's Society

RHE/bf
Enclosure



United Family and Children's Society
305 West Seventh Street, Plainfield, New Jersey 07060/755-4848

November 17, 1981

Editor
The Star Ledger
Star Ledger Plaza
Newark, New Jersey 07102

Dear Editor:

In recognition of National Adoption Week, the Board of Trustees of United Family and Children's Society of Plainfield, New Jersey feels an obligation to make a statement supporting the philosophy of adoption. This 104 year old agency has been successfully placing children for adoption for four decades.

While the concerns of some adoptees and some birth parents have been quite thoroughly addressed by news media, there have been few voices raised to say that adoption has been a valid, time-honored method of protecting the emotional and social welfare of children. We trustees are convinced of the soundness of adoption as provided through a professional agency as an alternative solution to biological parents unable to care for their child.

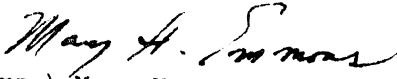
Pending open records legislation removes the safeguards that currently protect the privacy of the biological parents, the adoptive parents, and the adopted child. United Family and Children's Society policy considers the request of the adult adoptee to seek his/her biological parents valid only if these parents consent to a reunion. We recognize the parents have a right to remain anonymous.

We seriously question the recent attempts to change the laws so that the biological parents can have access in order to seek the children they placed for adoption. Such a practice could undermine the entire adoption process and could be severely damaging to the wellbeing of the adopted child and disruptive to the adoptive family.

It is important to note that adoptive parents are held, by law, to abide by the agreements they contracted in the court hearing on adoption. Unless the biological parents' contracts are held equally binding, the entire process is invalidated.

We believe that every child needs a family, and adoption has provided loving mothers and fathers for many children for many, many years.

Sincerely,


(Mrs.) Mary H. Emmons
Executive Director

24x

and

Board of Trustees
United Family and
Children's Society

MHE/bf

Supported by United Funds

37 E. Walnut Ave.
Merchantville, N.J. 08109
December 10, 1981

Re: A2051 Hearing on 12/9/81

Dear George:

I want to take this opportunity to thank you for "overseeing" the hearing yesterday concerning #2051. I was quite impressed with the way you handled it and with your personal comments.

I'm still a bit confused as to what happens now. You did mention that nothing would be done until Feb. or March and that new committee members will be established at that time, as well as possibly a new chairman. My question is - will the bill need to be resubmitted by a new sponsor. If so, can you or would you be willing to submit same and/or chair it?

By the way, I was your "soup" friend - the one who came over to question why the other members of the committee were not present, which still disturbs me, though I appreciate your response.

I know you are busy and I so appreciate your interest, but when you have time, I would like you to respond to my above question as we do not wish to lose track of this bill.

I'd also like to answer the question you posed to me at the hearing since I don't think I gave a sufficient answer. You asked who should pay for the "diligent" search and the expansion of services as related to Concerned United Birthparents' testimony, page three listing suggestions for revisions to the bill. Since the state created the "system" (during the 40's), then the state should be responsible for correcting what was a "legal mistake" (closed records). However, as also stated we are not in favor of the intermediary system for many reasons. But if it were to come to a choice of either/or, we would like you to consider what was stated on the first page, last paragraph and second page, first paragraph. Certainly it would be cheaper for the state to open the records across the board to those who are directly involved - adoptees, birthparents,

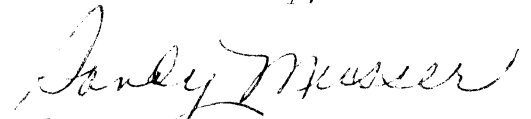
Mr. Otlowski
Page 2
Re: A2051

and adoptive parents. However, the burden of petitioning the court certainly should not be put on those whose rights are being denied.

One more thought - since I spoke early, I was unable to respond to the allocations that abortions will increase with an open records bill. Our research, on questioning 150 girls, shows that their #1 choice would be to keep their child; if the pressure was such that they were unable to do so, they would opt for abortion, not out of fear of having someone appear years later, but they (being wiser than those birthparents who have gone before) recognize adoption as a lifelong amputation. When we begin to relax adoption laws and open adoption becomes a reality, only then will the abortion rate begin to drop.

I know because I've lived it and I'm living it daily.

Most sincerely,


Sandy Musser
Birthmother

Author of I WOULD HAVE SEARCHED FOREVER
Vice-President and Branch Administrator for CONCERNED UNITED BIRTHPARENTS
N.E. Regional Rep. for INTERNATIONAL SOUND EX REUNION REGISTRY
Founder and President of ADOPTION TRIANGLE MINISTRIES
Charter Member of AMERICAN ADOPTION CONGRESS
Past Board Member of ADOPTION FORUM OF PHILA.
Steering Committee Member for ADOPTION RESOURCE CENTER, REGION III

*Using one of the American Adoption Congress organizations as an arm of the court, as is presently done in Washington State.

CONCERNED UNITED BIRTHPARENTS, INC.

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B

Mr. Otowski

December, 1981

RE: Assembly Bill No. 2051

My name is Sandra Musser, and I am here to address the position of Concerned United Birthparents, Inc. relative to Assembly Bill No. 2051. Concerned United Birthparents, Inc. is a national, non-profit organization which has provided a variety of adoption-related services to over 35,000 persons since we began our work in 1976. At present, CUB has a paid membership of 2,500 persons and 40 branches around the country, one being in New Jersey.

CUB was organized to dispel the notion that birthparents want anonymity from their surrendered children. In reality, most birthparents never forget their children and remain always concerned about their well-being. We wholeheartedly support the unconditional right of adoptees to access information which will identify their birthparents, for we believe in reunion; we know well the healing for birthparents that is inherent in being able to once again embrace their children. In that respect, we endorse those portions of Assembly Bill No. 2051 which enables unconditional access by adoptees to information. Beyond that proviso, we have concerns with the bill.

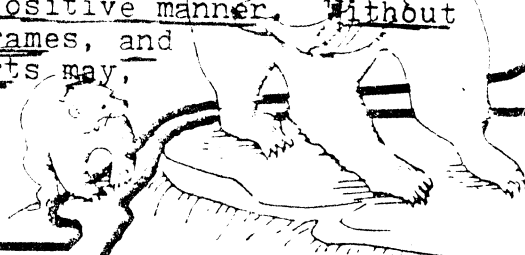
It has been our experience that many adoptees cannot emotionally make it to age 18. Centers for emotionally disturbed children report a disproportionate number of adoptees in their care. The Bair Foundation in New Wilmington, PA., for example, claims a 9% adoptee population. Other counselling centers report rates of up to 20%, and as you may know, only 2% of the U.S. population is adopted.

It has also been our experience that some adoptive parents recognize the inequity of the present adoption system and wish to share a part of their child's life with the birthparents who provided them with the ultimate gift of love.

Moreover, many birthparents find it unbearable to wait until their child becomes 18 to know how they are faring in life. And, once 18, many birthparents are unwilling to continue to wait passively for their adult children to contact them or to entrust an agency with the delicate task of conveying their interest in a positive manner. Without clear guidelines, training, timeframes, and accountability, "reasonable" efforts may, indeed, prove unsatisfactory.

more --

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Phone: (603) 749-3744

* For example, Connecticut and Minnesota have statutes which require agencies to act as intermediaries yet they report only a 50% success rate for reunions. In contrast, liaisons provided by peer search groups success rates of over 90%. Of particular interest is the Washington Adoptees' Rights Movement group which acts as an arm of the court in conducting searches and acting as liaisons; they, too, report a success rate in excess of 90%.

There are over 100,000 children in foster care for whom parental rights have been surrendered. It is entirely possible that these children's birthparents are now able to make a home for them. For example, in New Jersey, a birthmother of a 12 year old searched for and found her child in institutional care and was able to adopt him.

The potential for incest is a very real concern in a closed system of adoption. In a New Jersey city a birthmother located her minor son and to her astonishment discovered the child to be a close friend of her daughter; she is now able to monitor the relationship.

There is no provision in this Bill for the siblings, grandparents or other members of the adoptee's birthfamily who also have a very valid interest.

As worded, this Bill would also prohibit the option of Open Placement. The present system enables agencies to exchange identities of interested, secure adoptive parents and birthparents who wish such an exchange, before finalization of the decree. Open Placement is common among older children and other special needs children. They are also common in step-parent adoptions, intra-family adoptions and adoptions in the Hawaiian, Native American, and Black communities. Even traditional middle class adoption has begun to recognize the validity of this option. Green Bay Catholic Social Services in Wisconsin, for example, has facilitated nothing but Open Placements for the past eight years. In responses to a questionnaire distributed to agencies around the country by the Ad Hoc Committee to Evaluate Open Placement, it was learned over 200 agencies are currently offering or considering Open Placements for their clients.

It also seems to us that the penalty section lumps together two very disparate issues. A person who knowingly destroys or fails to preserve crucial data is committing quite a different act from children and birth and adoptive parents who search. In the first instance an offense is truly committed; in the second, the action stems from a human need to know each other.

Blended families are the norm in today's society. The state assumes parents are capable of coping and growing with the attendant interpersonal relationships. Should families require state intervention and protection, the state provides them the opportunity to exercise tort law privileges.

more --

Adoptive families are blended families. The state should assume adoptive parents are as capable as other parents. If adoptive parents should feel harmed by their children or their birthparents knowing about the other, they then have the same right as other citizens to invoke tort law. Adoptive parents should not be singled out for undue protection by the state.

For your consideration, we respectfully offer the following suggestions:

- 1.) Retain unconditional access by adult adoptees to identifying information on their birthparents.
- 2.) Add language enabling birthparents of adult adoptees unconditional access to identifying information on their adult children
- 3.) Add language enabling adoptive parents of adult adoptees unconditional access to identifying information on the birthparents of their children.
- 4.) Alter the language which requires a search effort by agencies to:
 - a.) make the effort a "diligent" one
 - b.) expand searching/contacting agencies to include court-approved peer liaisons
 - c.) expand the potential users of this service to:
 - 1.) minors in institutional care
 - 2.) birthparents of minor children
 - 3.) adoptive parents of minor children
 - 4.) grandparents and siblings in birthfamily
- 5.) Insert language which enables adoptive parents and birthparents, now entering adoption, the opportunity to exchange identities if they so choose.
- 6.) Retain only that portion of the penalty clause which penalizes those who knowingly destroy or fail to record information.

With these provisions incorporated into New Jersey law, adoption would become a far more humane and equitable institution. It would embody a recognition of the reality that adoptees carry throughout life unique and valuable histories which encompass both naturally begotten and socially sanctioned family ties. It would validate the enormous sacrifice and contribution of life and love birthparents make when they choose to bring a new human being into the world. And, it will bless the adoptive union with the opportunity to grow within the same real-world context of other blended families.

If the leadership and membership of Concerned United Birthparents can be helpful to the New Jersey legislature in meeting the adoption-related challenges posed by our changing society, we would be happy to do so. Thank you for your consideration.

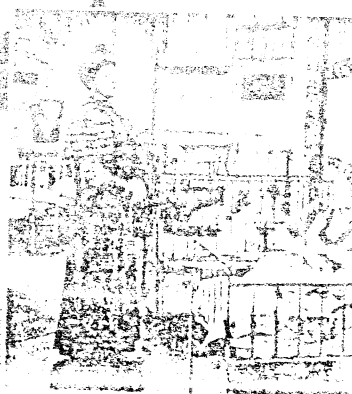
FOR RUBY LEE PIESTER, THE FIRST AND LAST WORD ON ADOPTION IS 'CONFIDENTIAL'



WORDS

Don't one, in some parts of the U.S. that is the adoption rate ratio as couples seeking to adopt children as their own. It is discouraging to some, but not to Ruby Lee Piester, 55, executive director for the past 16 years of the country's largest combined maternity center and adoption agency, the Edna Gladney Home in Fort Worth. A formidable, experienced complex of 10 buildings set in a handsome campus of rolling lawns, where she has as many as 160 or 200 young women "in residence" at any one time, the childless Piester, like her husband, James (a retired real estate

agent), upon request, thus ending the long-standing code of adoption confidentiality. Few are more concerned about the problems of adoption than Ruby Lee Piester, 55, executive director for the past 16 years of the country's largest combined maternity center and adoption agency, the Edna Gladney Home in Fort Worth. A formidable, experienced complex of 10 buildings set in a handsome campus of rolling lawns, where she has as many as 160 or 200 young women "in residence" at any one time, the childless Piester, like her husband, James (a retired real estate



Mrs. Piester (top) holds two new arrivals at the Texas Maternity Home run for the late Fort Worth matron Edna Gladney, whose life

WORDS

and a firm believer in adoption. Her commitment led her to become a founding mother of the National Committee for Adoption, the nation's first full-time lobby and clearinghouse for adoption issues. Earlier this month the NCA held its first annual conference in Washington. Shortly before, PEOPLE's Kent Demaret spoke to Piester about her views on the current state of adoption in America.

Is there a crisis in adoption?

Yes, there is. Though thousands of children are put up for adoption each year, there simply aren't enough to meet the demand. The gap is widening as contraception and abortion whittle down the birthrate. At the Gladney Home last year, we had 352 babies up for adoption—and some 1,600 applications, most of them from childless couples unable to conceive themselves.

What is the current status of adoption legislation?

Just adoption law, handled at the state level, with a variety of principles. However, a new federally recommended code of practice called the Model State Adoption Act is being prepared by the Department of Health and Human Services. Besides trying to unify adoption methods with a set of proposed guidelines, the Act aims to solve the lagging adoption of older children and those with emotional or mental problems. Government subsidies could be offered to people who bear the adop-

ing problem kids because of the high cost of caring for them.

What objections do you have to the Act?

One disturbing feature is that it recommends allowing the natural father to extend his veto power over adoption until after the child is born, rather than before birth as is generally the case. Our experience is that some previously disinterested fathers, or their mothers, become anxious to keep a baby once it is born, especially if it's a boy. Such a practice can make things difficult for a mother favoring adoption.

How can so-called right-to-know clauses endanger the adoption process?

Such provisions, if they are ever enforced, could be disastrous for adoption because they threaten the privacy of those involved. The average age of the expectant mothers who come to Gladney is 27. Mostly, these are fine girls from all-American families who have had an unfortunate experience, and one of the first things they ask about is confidentiality. They are looking forward to the new baby. They can pick up their own child, and they have more confidence in the problem ahead if it is handled confidentially, they are.

And the adoptive parents?

They are just as concerned. "I don't want to raise a child who is adopted," they say.

Group counseling is one way to help. Many home help pregnant women cope with the prospect of adoption.



CONTINUED

Rechts

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1. THE PRESIDENT (John F. Kennedy) - American President who was assassinated on November 22, 1963, in Dallas, Texas. He was the youngest President in American history and was married to Jacqueline Kennedy.

2. THE VICE PRESIDENT (Lyndon B. Johnson) - American Vice President who became President after the assassination of John F. Kennedy. He was married to Lady Bird Johnson.

3. THE SENATE (The United States Senate) - One of the two chambers of the United States Congress. It is composed of 100 members, two from each state.

4. THE HOUSE OF REPRESENTATIVES (The United States House of Representatives) - The other chamber of the United States Congress. It is composed of 435 members, elected from each state.

5. THE SUPREME COURT (The United States Supreme Court) - The highest court in the United States. It is composed of nine Justices, including the Chief Justice.

6. THE ATTORNEY GENERAL (Robert F. Kennedy) - The head of the United States Department of Justice. He was assassinated on June 6, 1968, in New Orleans, Louisiana.

7. THE SECRETARY OF STATE (Dean Rusk) - The head of the United States Department of State. He served from 1961 to 1969.

8. THE SECRETARY OF DEFENSE (Robert McNamara) - The head of the United States Department of Defense. He served from 1961 to 1968.

9. THE SECRETARY OF THE INTERIOR (Walter Dill Scott) - The head of the United States Department of the Interior. He served from 1961 to 1969.

10. THE SECRETARY OF AGRICULTURE (Orville Freeman) - The head of the United States Department of Agriculture. He served from 1961 to 1969.

11. THE SECRETARY OF COMMERCE (C. Douglas Dillon) - The head of the United States Department of Commerce. He served from 1961 to 1969.

12. THE SECRETARY OF LABOR (Walter Reuther) - The head of the United States Department of Labor. He served from 1961 to 1969.

13. THE SECRETARY OF HEALTH, EDUCATION AND WELFARE (Joseph P. Kamp) - The head of the United States Department of Health, Education and Welfare. He served from 1961 to 1969.

14. THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT (George Romney) - The head of the United States Department of Housing and Urban Development. He served from 1961 to 1969.

15. THE SECRETARY OF TRANSPORTATION (John Volpe) - The head of the United States Department of Transportation. He served from 1961 to 1969.

16. THE SECRETARY OF ENERGY (J. Edgar Hoover) - The head of the United States Department of Energy. He served from 1961 to 1969.

17. THE SECRETARY OF THE ARMY (Harold G. Buehler) - The head of the United States Department of the Army. He served from 1961 to 1969.

18. THE SECRETARY OF THE NAVY (C. D. Brown) - The head of the United States Department of the Navy. He served from 1961 to 1969.

19. THE SECRETARY OF THE AIR FORCE (William H. Sullivan) - The head of the United States Department of the Air Force. He served from 1961 to 1969.

20. THE SECRETARY OF THE MARINE CORPS (John A. LeMay) - The head of the United States Marine Corps. He served from 1961 to 1969.

21. THE SECRETARY OF THE COAST GUARD (John R. Stennis) - The head of the United States Coast Guard. He served from 1961 to 1969.

22. THE SECRETARY OF THE NATIONAL GUARD (John A. LeMay) - The head of the United States National Guard. He served from 1961 to 1969.

23. THE SECRETARY OF THE NATIONAL RESERVE (John A. LeMay) - The head of the United States National Reserve. He served from 1961 to 1969.

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77. THE SECRETARY OF THE NATIONAL GUARDIA

1. The first group of people who are
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Where is the competition? (e.g., how many other companies are doing this and who are they?)

Right now, says the author, the United States is importing more dogs than it is exporting. "If the United States imports more dogs than it exports, the number of dogs in the United States will grow," says the author. "If the number of dogs in the United States grows, the number of adoptable puppies will grow. Therefore, the number of adoptable puppies will be more than the number of good homes available to put them in."

Ruby Lee and husband James "found out early that we couldn't have children," she says. "I had to decide whether to adopt a child or spend my life working in this field. I decided I could help more people by working."

Ruby Lee Plaster has devoted her life to easing the pain of child adoption for others.

PEOPLE welcomes letters to the editors. Letters for publication should be addressed to PEOPLE, Time & Life Building, Rockefeller Center, New York, N.Y. 10020.



Dear Rabbi:

We are writing to all of the Rabbis in New Jersey concerning an issue that touches the lives of many Jewish people---adoption. No doubt you have numbered amongst your congregation at least one adopted child, at least one set of adoptive parents, and perhaps unbeknownst to you a person who has surrendered a child to adoption. Each has been affected in his or her own special way by the uniqueness of Jewish adoption.

There are many concerned people on all sides of the "Adoption Triangle" who are attempting to round the edges of the triangle into a "circle" of love and understanding. We think that rather than have all of us pulling against one another, we can all work together with the center of our circle, and the center of our concerns, as always being the child, the adoptee.

Rather than discuss some of the basic issues involved in adoptees' rights, such as medical information and psychological effects, I would prefer to focus on the "Jewish" issue of adoption.

The Second Book of Moses, Exodus, tells us that Moses was born to Hebrews and raised by Christians. Do you think it was just by chance that this particular man was then chosen to deliver the Israelites from bondage? I am sure it was the Bible's way of teaching us the importance of true parentage.

The Book of the Prophet, Isaiah, affirmed the unlikelihood of a mother's ability to erase the memory of a child she birthed when he said: 'Can a woman forget her own baby and not love the child she bore?' "Even if a mother should forget her child I will never forget you."

King Solomon saw, too, that true motherhood is determined not by possession but by the mother's ability to put the well-being and safety of her child before her own needs and even to relinquish that child if need be to spare it any harm.

According to Rabbi Hyim Donin, in his book "To Be A Jew" : "Since Jewish law does not regard children as the property of parents, the notion of transferring title of the child to someone else simply does not exist. Jewish law regards the relationship between natural parents and their offspring to be irrevocable." This does not mean that either we or Rabbi Donin regard the adoptive parents as anything less than the "true parents" in every way we know it to be today.

Jewish law tells us that when a Christian child is adopted by a Jewish family a mikvah (conversion) must be performed. This means that full and total background information must be given honestly by the agency, which is NOT always the case.

Jewish law further states that an adopted child must say Kadish for both his adoptive and natural parents. This is impossible under the current system of sealed adoption records.

Incest is another real concern that affects Jewish families even more so, as Jews tend to be a close knit people. Without knowing real identifying information about your child's heritage it would not be difficult for him or her to date a sibling or cousin. It has happened more times than we would like to admit.

It is also shocking that many Jewish babies have been adopted to non-Jewish homes...some even against the fervent wishes of the birthparents. These are lost Jews. Unless permitted to search out their roots or be searched for, they will live lives of lies, never knowing that they are Jewish. They will suffer as will their children.

The Catholic Church is waging war against "Open Records" as they fear it will escalate the number of abortions. This is just not so. In Wisconsin, Tennessee, Kansas and Pennsylvania, where they have been practicing open adoption for quite some time there has been no evidence of any increase in the abortion rate.

The Children of Israel must know their roots. We urge you to support legislation such as the New Jersey Assembly Bill 2051 which would open the records to adult adoptees, and we would appreciate it if you would advise your congregation to do likewise.

We are enclosing some literature on adoption. If you have any further questions regarding this issue, please feel free to contact us. We will gladly meet with you at your convenience to discuss this matter in depth.

Very Sincerely Yours,

Carol Gustavson
(Adoptive Mother)
9 Marjorie Drive
Hackettstown NJ 07840
(201) 350-1706

Marsha Riben
(Birthmother)
Box 268CC RD 2
Old Bridge NJ 08857
(201) 251-5411

Susan Mars
(Adult Adoptee and
Birthmother)
57 Rockleigh Drive
Trenton NJ 08623
(609) 882-6699

317 Hedgerow Lane
Wyncote, Pa. 19095
December 18, 1981

Mr. John Kohler, Legislative Assistant
Mr. Otlowski, Chairman
Committee on Institutions, Health and Welfare
New Jersey Assembly, State House
Trenton, New Jersey

Dear Mr. Kohler:

I gave testimony in person on December 9 representing the Adoption Forum as a biologist. Thank you for the opportunity to speak on this important issue.

In listening to many other witnesses, I was struck by the insistence on respect for confidentiality, for the natural parents initial decision to surrender; and concern for the possible trauma to a young adult adoptee in meeting his first parents. When these natural concerns are expressed, not by natural parents themselves, but mainly by adoptive parents, one begins to get a sense of hypocrisy.

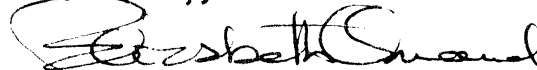
They don't speak for themselves, but for others, the unknown birthparent, and their young son or daughter. And though they speak about adolescent trauma they don't mention the trauma to the adolescent natural parent of having given them that son or daughter. --A trauma that could be considerably eased by a reunion.*

This hypocrisy, speaking of others' presumed desires instead of one's own, and mentioning the trauma to one group of adolescents but not another, has moved me to respond and submit testimony on my own behalf, as an individual. I felt an answer was needed to the presumptions of these adoptive parent groups; of confidentiality promised and desired; of careful and willing surrender decisions; of adolescent trauma to adoptees but not birthparents. So I ask you to add this answer to the record.

With time, it could be streamlined to highlight the essentials. I know there is some redundancy. But in the interest of having it included I'm sending it off before your deadline.

Many thanks for the opportunity to comment. I hope it will improve adoption law. (This statement is in support of A.B. 2051, hoping it can be improved for birthparents searching, and to allow such open and identified placements as can now occur.)

Sincerely,



Elizabeth Omand

* If you wish to further verify the birthparent experience, at surrender and after, consult Death by Adoption by Joss Shawyer (Cicada, N.Z.), available through CUB, Box 573, Milford, MA 01757, for \$8.00.

The adoptive mothers you heard spoke out of their fear, with the voice of hypocrisy. They probably didn't realize it, but hypocrisy all the same. They may well sincerely believe that their family life, created by their adoption of others' children, will be destroyed with the records of those adoptions, and the identities of those other parent are opened. I believe that fear is unfounded. But, speaking from fear, they will say anything to oppose this change. They have even claimed to speak in support of absent, anonymous mothers who had to give them their children, mothers to whom they owe a great deal, of whom they are considerably afraid. Such is the ground of hypocrisy. We can forgive it, rising from fear as it does. But we must not believe it. Even in recognition of the very real and considerable debt owed, by society and natural parents, to the people who have raised and housed their children, we must resist following their claim, for it is made out of fear and ignorance.

34x

about an agreement made while she was still a minor and certainly coerced.

It is true, largely, that birthparents at surrender were offered a choice of confidentiality, but it was not written up by law. Some adoption records were filed, but according to the laws, and the law was provided that those records may be examined for "past abuse." Confidentiality was not a written part of the surrender instrument, nor an explicit condition of surrender. Rather, it was an implicit condition, a verbal assurance that "no one would ever know," given to placate the new mother and ease her guilt, to make her surrender more likely. It was clearly a pressure point. If ever confidentiality was the sole basis of a surrender decision, you may be sure that that woman had wanted her baby. For if she had to face the world with her baby anyway, she might as well keep it to raise herself in the bargain. Confidentiality was not a condition stipulated by the natural mother, but an inducement to surrender, offered by a mother when she really wanted her child, but was only afraid to face the public scene. Confidentiality was a condition imposed by those who wanted the adoption: the natural mother's parents; the physician doing the placement to his infertile patients; the lawyer representing them. Confidentiality was really on their side, and was given more freely to them than the natural parents. Very few natural mothers know who is raising their babies, though direct placement is allowed by law. It is the adoptive parents, through their agents of placement, who have made confidentiality and anonymity a condition of the adoption. They remain anonymous, while a substantial proportion of birthparents are known by name to the adopters. This is not a contracted confidentiality, written into the surrender agreement at the request of an informed, mature, consenting adult birthparent. This is a trick, to protect the child and his new parents. And these parents, the adopters who desperately sought this baby, now give the most vocal support for confidentiality.

What about the so-called decision that natural mothers make and adoptive mothers are so keen to honor? Let me tell you about the decision process and the many faces of stress. I quote from memory one adoptive mother who urged you to honor a decision the natural mother has made "through careful counseling with a reputable agency." My own personal experience was with a reputable agency, 18 years ago. My 'counseling' consisted of a series of psychotherapy sessions conducted, not by a therapist, but by a social worker. She focused on my unhappy childhood and the psychological origin of my pregnancy. She did not enter into any practical or explicit discussion about my baby's future or my own wishes. Seven days after the birth, when I wanted an additional week to consider what to do, she told me firmly and forcefully, "I won't let you leave town until you make a decision about that baby." I had come to love this woman as a mother, so she had power over me by then. I signed, prematurely, without the extra week I had needed.

My 'counselor's' orientation was completely psychoanalytic. Though my childhood was her focus, she made no mention of the reality of that family, nor of bringing them into the decision, or even of sharing this shameful and difficult secret with a sister or a friend. Thus, she was sole privy to my inner life. Her view of me in this crisis (the last two months of pregnancy) was unmitigated by any understanding from those who had known me growing up or knew me as an adult. I was not even advised to eventually share this secret with someone close to me, to allay its burden on me. In effect then, I was isolated in a crisis, by advisors who were strangers to me. I was offered only therapy for old family problems, but no acknowledgement that these very people must at some point be involved if I was to absorb this crisis and move on.

Counseling may be different today. But this was 18 years ago. My social worker was a skilled and gifted confidante, sensitive to my moods and vulnerabilities. She went with me to court, to sign the papers, for emotional support so I believed. But sixteen years later, when I finally received a copy of the surrender paper, I learned her official capacity. She had been the agent for the maternity home/adoption agency combine. Her role had been to acknowledge that she knew me, to bear witness that she knew my intentions, and to accept custody of my baby for the agency. I think this is a clear case of coercion toward a prejudged goal. There was clearly a conflict of interests,

and a violation of my confidentiality. I thought I had a safe, secure relationship, though the sessions were not voluntary, but an integral part of my residence in the maternity ward. I had no notice that they would serve the court as an evaluation of me. Yet, after these sessions, where she heard my most intimate secrets, she went to court and bore witness to a judge about my intentions and my ability toward my child. Her very presence in court constituted a pressure on me to surrender my child.

Unless a woman (or man) has independent legal counsel of her own, with time to reflect after childbirth, and written information about the effects of (and options in) adoption no so-called 'decision' to surrender can be considered thorough, or voluntary, or informed. To honor such a poor decision, in the name of the woman whose child was taken by it, is to compound the original injustice against her. That adoptive mothers want you to honor such decisions, for the 'protection' of natural mothers, is a travesty. It implies that her decision was firm and well-reasoned; that she did not want her child. Generally, none of these were true.

Most such 'decisions' were made under some kind of duress. Social censure and the economic realities of single parenthood were unavoidable. But duress exerted in a crisis by the very people officially posed to help, is unlawful. Such duress clearly invalidates any contract so derived. Duress may be exerted by well-meaning people who think they know best about a mother's and child's future. Or by a lawyer or physician who mainly want to secure her baby for their client. But it is duress all the same, whether unlawful, well-meaning, or from impersonal social sources.

Decisions made under duress and the contracts arising from them are unjust and will remain so unless there is an option to revoke within a reasonable time; and the means for redress if revocation is untenable. I certainly don't propose that children be returned years after placement; the children's security is of prime concern. But I do propose that such profound decisions, as the surrender of a child for adoption, be reviewed thoughtfully as time passes, to alleviate any injustice that may arise from duress or ignorance. In short, this means that birthparents be given the opportunity to learn the fate of their children. So long as agencies do not keep continuous contact with adoptive clients, open records for birthparents of adult adoptees will be the only sure way to redress this grievous wrong. Of course, surrender could be an honest and informed decision. But all birthparents deserve the chance to heal at last and be forgiven; to know for sure their grown children are alive and well.

And there is no particular reason why birthparents must wait 18 years to have some news of a surrendered child. Surely it seems reasonable that adoptive parents show a human obligation to birthparents who want to know how their child is. Written correspondence could be part of the original agreement. If birthparents were to be routinely identified by name to adoptive parents, such communication would be simple and direct. If not, the intermediary who placed the child would continue in this role, by mutual consent.

When adoptive parents wish to protect the woman who gave them their child, from knowledge of that same child, something is very wrong. It is knowledge of our children that could heal us, and restore the protection we didn't have in the first place --protection against the loss of our children. When adoptive parents begin to clearly speak for themselves and express their own fears instead of ours, then you'll begin to see the truth. For they sense an injustice too. Their own was dealt them by fate --infertility. This they rectified by raising our children for us. Perhaps they fear to redress our wrong even at this late date, thinking it will make them childless again. Well, they have had our children, while we lost them. We cannot take those childhoods back into our own lives though we desperately missed them. We believe and hope that adoption gave our children good homes and generous love. This we can honor apart from any contract. For we know we cannot get our children back. We can only know them as adults. Please let us.

I urge you to open records to our grown sons and daughters. And to us. Any trauma to a grown adoptee from having a birthparent call or write must be less than the original trauma, that losing her firstborn baby was, to the young, adolescent mother. We deserve a chance to heal from this, for we gave them life.



ADOPTEE'S LIBERTY MOVEMENT ASSOCIATION

P.O. BOX 154 WASHINGTON RIDGE STATION • NEW YORK NY 10033

FLORENCE FISHER, PRESIDENT
(212) 581-1568

P.O. Box 627M
Morristown, N.J. 07960
December 22, 1981

Mr. John Kohler
Office of Legislative Research
The State House
Trenton, N.J. 08625

Dear Mr. Kohler,

in

Could you please include the following information the open record of the hearing on A.B. 2051.

If the transcript of the hearing is given to all legislators in the new term, as Mr. Otlowski said would happen (in an interview with the Star-Ledger), I believe the enclosed information would be helpful and germane for their study.

Many thanks!

Sincerely,

Pam Hasegawa

CHILDREN'S HOME SOCIETY OF CALIFORNIA

POLICY STATEMENT ON ADOPTION RECORDS

Adopted by the State Board of
Directors on March 24, 1981

The Children's Home Society of California (CHS), a pioneer in agency adoption services reaffirms its policy that adoption is a viable alternative in planning for the future of a child. We recognize that significant social changes have occurred over the past two decades. Changes in adoptive services together with general changes in social mores have brought with them a new openness in the adoption process with increasing disclosure to all parties involved. There is a recognition that on reaching adulthood some adoptees may, without in any way disrupting the basic adoptive situation, feel a need to discover their birth parent(s) and possibly contact them. Birth parents may feel a need to meet with the person, now an adult, whom they relinquished as a child with, of course, the adoptee's consent. Understandably, adoptive parents may have concerns about their child's desire to obtain identifying information.

Recognizing these changes, in 1976 CHS began to modify its current practice to facilitate the dissemination of non-identifying information to appropriate parties in accordance with existing state laws and regulations. CHS sees post-adoptive services as part of a continuing role in adoption and believes there is a need for more public awareness regarding such services.

In light of the fact that the child relinquished for adoption is not a consenting member of the adoption triad, CHS affirms its belief that every adult adoptee has the right of access to information about his/her identity. The Society endorses the concept of making information available to that adoptee on request. If state laws and regulations change to permit the furnishing of identifying information, CHS will comply. The Society believes that this information should be limited to the adoptee's original birth certificate, court records, and available demographic data, including information about siblings. Subjective material in agency records, as well as the records themselves, should not be opened to the adult adoptee, but the pertinent data should be abstracted on a form to be developed for that purpose. Counseling service will be available to all parties: adoptees, birth parents, and adoptive parents.

Reunification is not an obligatory objective of post-adoptive services and the adult adoptee who has received such information must make his/her own decision concerning contacting birth parents. CHS believes that adult adoptees should be provided with as much current information as possible to assist in that decision, including updated information from the birth parents expressing their views on contact. If the birth parent(s) specifically request anonymity, CHS will convey this information to the adoptee for consideration in making his/her decision.

CHS is sympathetic with the desire of birth parent(s) to gain identifying information regarding the child who had been relinquished, but feels that the priority should be with the adoptee. Therefore, when the adult adoptee has expressed a need to have information given to his/her birth parents CHS believes this should be transmitted. This includes the adoptee's desire concerning contact.

CHS recognizes that the basic laws and modern day practices tend toward a general and overall relaxing of the principle of total confidentiality on adoption. CHS hereby commits itself to helping bring about future adoption progress in accordance with sound social work practice.

March 24, 1981

this Commonwealth. The department shall prescribe the forms of such transcripts and the forms of marriage license applications. On or before the fifteenth day of each calendar month, each clerk of orphans' court shall transmit to the department the transcripts of all marriage license applications pertaining to the executed marriage license certificates filed with him during the preceding calendar month. The applicants for each marriage license shall, in addition to the fee for the license, pay to the clerk of orphans' court a fee of fifty cents (\$.50) for the execution and transmission of the transcript required by this section.

1953, June 29, P.L. 304, art. VI, § 601.

Saved From Repeal

This section was saved from repeal by Act 1974, Sept. 10, P.L. 639, No. 209, § 6(h), relating to abortion control.

Cross References

Marriage certificates and marriage license fees, see 48 P.S. §§ 1—14 and 1—19.
Orphans' court divisions, jurisdiction, see 20 Pa.C.S.A. § 711.

Library References

Health and Environment 34.
Marriage 23(4).

C.J.S. Health and Environment § 41.
C.J.S. Marriage § 25.

Notes of Decisions

1. In general

Where salaried Clerk of Orphans' Court collected certain fees for marriage certificates filed with him and forwarded to Department of Health, were payable to the County and could not be re-

tained by the officer in view of Const. Art. 14, § 5 (repealed) and 16 P.S. §§ 1600, 1621, 4509, 4321 and 7481 et seq. providing that salaried county officers pay all fees to county. *Matthews v. Kless*, 1 Lycoming 123, 1950.

§ 450.602. Change of civil status: court reports

A certificate of each divorce, annulment of marriage, adoption and annulment of adoption decreed or ordered in this Commonwealth shall be transmitted to the department. The prothonotary or the clerk of the orphans' court shall execute each such certificate on a form prescribed by the department. On or before the fifteenth day of each calendar month, the prothonotary or clerk shall transmit to the department the certificates pertaining to divorces, annulments of marriage, adoptions and annulments of adoption decreed or ordered during the preceding calendar month. For each such certificate the prothonotary or clerk shall assess a fee of fifty cents (\$.50) as part of the costs of the proceedings and in connection therewith, and shall receive and apply such fee in the same manner and for the same uses as other costs received by him.

1953, June 29, P.L. 304, art. VI, § 602.

Saved From Repeal

This section was saved from repeal by Act 1974, Sept. 10, P.L. 639, No. 209, § 6(h), relating to abortion control.

§ 450.603. Change of civil status: amendment of birth certificates

(a) Any person born in this Commonwealth (1) whose birth is registered as illegitimate but who is legitimated by the subsequent marriage of his natural parents, or (2) whose parentage is determined by a court of competent jurisdiction, or (3) who is adopted under the laws of this Commonwealth or of any other state or territory of the United States of America, or (4) whose name is changed by order or decree of a court of competent jurisdiction, may request the department to prepare an amended certificate of birth on the basis of proof of the new status.

(b) The person involved if he has attained majority and is not incompetent, or his parent, guardian or legal representative, shall file an application making such request and shall submit such proof as the Advisory Health Board may by its regulations require.

(c) After the amended certificate is prepared, any information disclosed from the record shall be from the amended certificate; and access to the original certificate of birth and to the documents of proof on which the amended certificate is based shall be authorized only upon request of the person involved if he has attained majority and is not incompetent, or upon request of his parent, guardian or legal representative, or upon order of a court of competent jurisdiction.

1953, June 29, P.L. 304, art. VI, § 603.

Saved From Repeal

This section was saved from repeal by Act 1974, Sept. 10, P.L. 639, No. 209, § 6(h), relating to abortion control.

Cross References

Orphans' court divisions, jurisdiction, see 20 Pa.C.S.A. § 711.
Philadelphia county, jurisdiction, family court division, see 20 Pa.C.S.A. § 713.

Notes of Decisions

1. Construction and application

Summary judgment should not be granted in action to correct birth certificate even where defendant has not answered; hearing should be conducted and defendant should be required to answer in all such cases. *Jones v. Mc-*

Coughlin, 300 A.2d 84, 3 Pa.Cmwlth. 627, 1973.

Neither party's wife can testify as to non-access by husband in proceeding to amend birth certificate and absent other clear and convincing testimony on question of illegitimacy, petition



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL
HARRISBURG, PA 17120

ROBERT F. KARL
ATTORNEY GENERAL

Honorable Leonard Pachman
Secretary
Department of Health
802 Health and Welfare Building
Harrisburg, Pennsylvania 17120

Dear Dr. Pachman:

Questions have been raised concerning the legal propriety of the practice of the Vital Statistics Division of the Department of Health of releasing certified copies of original birth certificates to requesting adoptees. It is the opinion of this office that the current practice is lawful, that a certified copy of the original birth certificate must be made available to a requesting adoptee provided he has reached the age of majority and is of sound mind. The reasons for this opinion are as follows:

Section 603(c) of the Vital Statistics Law of 1953, specifically authorizes such release:

"After the amended certificate is prepared any information disclosed from the record shall be from the amended certificate; and access to the original certificate of birth and to the documents of proof on which the amended certificate is based shall be authorized only upon request of the person involved if he has attained majority and is not incompetent, or upon request of his parent, guardian or legal representative, or upon order of a court of competent jurisdiction."
Act of June 29, 1953, P.L. 304, No. 66, 35 P.S. §450.603(c).

The question is whether Section 505 of the Adoption Act negates this legal mandate. Section 505 provides:

"All petitions, exhibits, reports, notes of testimony, decrees, and other papers pertaining to any proceeding under this act, or under the Act of April 4, 1925 (P.L. 127), entitled "An act relating to Adoption," shall be kept in the files of the court as a permanent record thereof and withheld from inspection except on an order of court granted upon cause shown." Pennsylvania Adoption Act, Act of June 24, 1970, P.L. 620, No. 208, 1 P.S. §505.

Honorable Leonard Bachman
Page Two

Pennsylvania Orphans' Court Rule 15.4 lists the exhibits which are to be included in the court record and withheld from inspection in accordance with Section 505. The Rule requires that either a birth certificate or a certification of registration of birth of the child be attached to the adoption petition as an exhibit. By attaching either exhibit, compliance is had with Section 505 of the Adoption Act without impounding the original birth certificate. In practice, the original birth certificate is never impounded by the court when an adoption is finalized because the Vital Statistics Division only releases information from or a certified copy of the original birth certificate and is not authorized to ever release the original birth certificate itself. Since the original birth certificate remains with the Vital Statistics Division, the Division can allow access to it when specifically authorized by statute to do so, as by Section 603(c).

Outside of very limited circumstances not applicable here, it is only when statutes are irreconcilable that the later one may be construed to imply repeal of the earlier one. 1 Pa.C.S. §1971(c). Consequently, for the 1970 passage of Section 505 to impliedly repeal the 1953 enactment of Section 603(c), the two provisions must be irreconcilable. Our interpretation of the two provisions indicates that they are not irreconcilable as a matter of law; nor have they been as a matter of practice. Therefore, we conclude that the Vital Statistics Division is statutorily mandated to continue making certified copies of original birth certificates available to requesting adoptees in accordance with the specific authorization of Section 603(c) of the Vital Statistics Law.

Sincerely,

Robert E. Rains
Deputy Attorney General

Vincent X Yakowicz
Solicitor General

Robert P. Kane
Attorney General

OFFICE OF THE ATTORNEY GENERAL

OFFICIAL OPINION NO. 78-14

Identification of Adoptees' Natural Parents - Disclosure - Vital Statistics -
Birth Certificates

1. The Division of Vital Statistics of the Department of Health is mandated by law to continue making certified copies of their original birth certificates available to adoptees who have attained majority and are not incompetent.
2. Such access is required by Section 603(c) of the Vital Statistics Act of 1953, Act of June 29, 1953, P.L. 304, No. 66, 35 P.S. §450.603(c), which was not repealed by Section 505 of the Adoption Act, Act of June 24, 1970, P.L. 620, No. 208, 1 P.S. §505.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General

(DEPUTY ATTORNEY GENERAL)

DATE OF APPROVAL

Check if applicable
Copy not approved Objections
attached

Copy below is hereby certified to be a true and correct copy
of a document issued, prescribed or promulgated by

Department of Health

(AGENCY)

DOCUMENT FISCAL NOTE NO. H-81-7

DATE OF ADOPTION September 22, 1981

BY H. Arnold Muller, M.D.

TITLE Secretary of Health
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to
form and legality. Executive or independ-
ent Agencies.

BY

DATE OF APPROVAL

(Deputy General Counsel)
(Chief Counsel, Independent Agency)
(Strike inapplicable title)

☐ Check if applicable. No Attorney Gen-
eral approval or objection within 30
days after submission.

DEPARTMENT OF HEALTH
[28 PA. CODE CH. 1]
Administration of Vital Statistics
Biological Parent's Voluntary Updating of Address
for Access by Adoptee

The Department of Health, with the advice and concurrence of the
Advisory Health Board, by this Order hereby amends 28 Pa. Code Chapter 1
(relating to administration of vital statistics), by adding new section 1.49.

CONTINUATION SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

ANNEX A
TITLE 28. HEALTH AND SAFETY
DEPARTMENT OF HEALTH
PART I. GENERAL HEALTH
CHAPTER 1. ADMINISTRATION OF VITAL STATISTICS

§ 1.49. Voluntary updating of biological parent's address for adoptees.

Upon receipt from the biological parent of an adopted child, the Division of Vital Statistics will file the most current address of the biological parent. Upon request of an adopted child once he has attained majority and is not incompetent, or upon request of his parent, guardian, or legal representative, or upon order of a court of competent jurisdiction, the most recent address will be provided along with other pertinent information as required under existing laws.

Do not write in this space

COMMONWEALTH OF PENNSYLVANIA

Order Adopting Regulations

Department of Health

(Name of Executive Department or Independent Agency)

Advisory Health Board

(Name of subordinate unit, if any, adopting order)

Date of Order: September 22, 1981

Before (Members) (~~Commissioners~~) (Other title: _____):

(Strike out inapplicable title)
H. Arnold Muller, M.D., Chairman; Mrs. Sonia Briskin; Louis Finkelstein; John L. Kelly, M.D.; Mrs. Carole L. Kanopf; N. Mark Richards, M.D.; and H. Bruce Gerber.

(Insert names of agency members participating

in action or order.)

Caption of Agency Proceeding (if any): N/A

Agency Docket No. or File No. (if any): N/A

Brief Descriptive Title of Order: Administration of Vital Statistics; Biological Parent's Voluntary Updating of Address for Access by Adoptee. Amendment to 28 Pa. Code Ch. 1 by adding new § 1.49.

Insert here (and continue on additional sheets 1a, 1b, 1c, etc., as required) a brief narrative discussion of the background leading up to the agency decision to adopt the subject order: The purpose of the amendment is to provide adoptees with access to their biological parent, if desired by the adoptee and if the biological parent chooses to have the Department maintain on file a current address of the biological parent.

Notice of proposed rulemaking and Fiscal Note H-81-7 were published at 11 Pa.B. 2858 (August 15, 1981).

In general, the 16 writers fell into the following categories:

Biological Parents	<u>For</u>	<u>Against</u>
Adoptees	4	1
Adoptive Parent	3	0
Lawyers (or J.D. degree)	0	1
Social Workers	0	2
Adoptees Group	0	2
General Public	1	0
	<u>1</u>	<u>1</u>
	9	7

(Strike out inapplicable reference)

(adopted) ~~(amended)~~ ~~(rescinded)~~ pursuant to (Insert here a statement of the statutory
(Strike out inapplicable reference)

§ 2104 of the Administrative Code of 1929, act of April 9, 1929 (P.L. 177) (71 P.S. § 534) as amended, and § 205 of the act of June 29, 1953 (P.L. 304) (35 P.S. § 450.205) as amended.

The Department of Health

finds:

(1) That public notice of intention to (adopt) ~~(amend)~~ ~~(rescind)~~ the administrative
(Strike out inapplicable reference)

CONTINUATION SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

Do not write in this space

Those opposed view adoption as an act that should have finality to it for the biological parents since in many cases it is emotionally difficult for a biological parent to reach the adoption decision. In some cases, biological parents have chosen adoption for a child resulting from a teenage pregnancy and have several years later gone on to marriage and their own families who are unaware of the events earlier in the biological parent's life. Some of those opposed believe the General Assembly, in § 2905 of the Adoption Act, act of October 15, 1980, P.L. 914, No. 163, 23 Pa.C.S.A. § 2101 et seq., meant to limit adoptees' access to their original birth records. Section 2905 does seal all the court's adoption records except with access as determined by the court.

The new Adoption Act and its § 2905, (like its predecessor, act of July 24, 1970, P.L. 620, No. 208, 1 P.S. § 505), however, neither repeals nor conflicts with § 603(c) of the Vital Statistics Act of 1953, act of June 29, 1953, P.L. 304, No. 66, 35.P.S. § 450.603(c). Section 603(c) mandates the Department of Health to provide adoptees with access to original birth certificate information contained within the Department's records. See 1978 Op. Att. Gen. No. 14 (8 Pa. B. 2295, August 12, 1978).

The proposed amendment would make it easier for a biological parent and adoptee to locate one another only if the biological parent voluntarily supplies the Department with a current address for the express purpose of the Department providing that address to an adoptee requesting that information.

The Department and the Advisory Health Board gave great weight to the fact that almost all biological parents and adoptees who commented were in favor of the proposed regulation.

The Department has adopted the regulation as proposed with minor and nonmaterial changes to punctuation.

regulations (adopted) ~~(amended)~~ ~~(rescinded)~~ by this order has been duly given pursuant
(Strike out inapplicable reference)

to Sections 201 and 202 of the Commonwealth Documents Law (45 P.S. §§ 1201 and 1202)
and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) That the (adoption) ~~(amendment)~~ ~~(rescission)~~ of the ~~(rules)~~ (regulations)
(Strike out inapplicable reference) (Strike out inapplicable
(other description: reference) _____)

of the Department of Health
(Insert name of unit adopting order)

in the manner provided in this order is necessary and appropriate for the administration
~~(and enforcement)~~ of the authorizing statute (s).
(Strike out if not applicable)

The Department of Health
(Insert name of unit adopting order)

acting pursuant to the authorizing statute (s), orders:

(A) The ~~(rules)~~ (regulations) ~~(other description: _____)~~
(Strike out inapplicable reference)

of the Department of Health, 28 Pa. Code Ch. 1
(Insert name of unit adopting order) (Insert Part or Chapter
reference, if available)

are amended by (adding) ~~(deleting)~~ and ~~(amending)~~ Section 1.49
(Strike out inapplicable references, if any)

~~XXX~~ _____ to read as set forth in Annex A to this order.

(B) The Secretary of the Department
(Title of certifying officer)
of Health _____ shall submit this order and Annex A hereto
(Insert name of unit adopting order)

to the Department of Justice for approval as to legality as required by law.

Department of Health

shall duly

(Insert name of unit adopting order)

certify this order and Annex A hereto and deposit the same with the Legislative Reference Bureau as required by law.

(D) (If the order is to take effect at a time subsequent to publication in the Pennsylvania Bulletin.) This order shall take effect immediately upon publication.
(Insert date)

By the Department of Health

(Insert name of unit adopting order)

Signature of Certifying Officer

H. Arnold Muller, M.D.

Name of Certifying Officer

Secretary of Health

Title of Certifying Officer

[Affix agency seal, if possible]

December 1, 1981

Dear Sirs,

As an adult adoptee I must state my sincere desire for records to be opened for all adult adoptees who wish this privilege. In my particular case when I found my father he was 71 years old, alone, an orphan himself who never had a family. He would have never sought me out because he had made a promise 30 years ago and would have never broke it even though his heart must have broken many times over during the ensuing years over his decision.

I cannot tell you with simple words on paper the joy he and I experienced 2 years ago when we looked upon each other for the first time in 30 years, but I can tell you I know I made an old, lonely man very happy for the few years he had left and when he died last year he died in peace.

I know this is not like all searches that are launched but I know in my heart there is an everlasting bond between parent and child that surpasses time and circumstance in 90% of our cases if you would just give us the chance to try. The chance that all "natural" born children have from the start, and think what feeling you would have today if you found out that you were adopted and all of a sudden the "you" that you thought you were does not exist!

Thank you for listening.....

An anonymous adopted woman wrote this. She is a friend of mine, an Alma member, who does not wish to be identified in the public record.

Pam Hasegawa

If you want her name and address but will leave it out of the public record, I'll give it to you.

To: The Institutions, Health and Welfare Committee

The New Jersey State Assembly
Trenton, New Jersey

From: Pam Hasegawa, Co-ordinator, ALMA, New Jersey Chapter

I would like to draw your attention to PL 95-608, the Indian Child Welfare Act of 1978, U.S.Code Section 1901 et seq.

25 U.S. Code Section 1917 provides that any Indian who has been adopted can petition the court for any information necessary to secure 1) membership in the tribe, 2) any other rights s(he) is entitled to because s(he) is an Indian, "flowing from the tribal relationship", upon reaching the age of majority.

In the Senate Committee report, when hearings were held, it was established that information should include whatever is necessary to establish membership or other rights in the tribe, and should include the names and last known addresses of the biological parents.

The significance of this is that the rights of the adoptee are absolute and unconditional--there is no need for the adoptee to show cause. In another section, 25 U.S. Code 1915 Congress, in dealing with the placement of minor Indian children in foster care and adoption considered the privacy rights of the natural parent. The request of the natural parent for anonymity shall be given weight by any court ordering placement of such a child. Placement preference would be given first to the parent's own extended family, then to the tribe, and finally, in any Indian family. The request on the part of the natural parent for anonymity would be considered but would not control the outcome.

Congress was cognizant of the issue of privacy rights for natural parents. In one section of the law, they clearly addressed the issue of privacy, and decided that privacy rights were entitled to some deference. In another section of the law, it was decided that privacy rights were not an issue when it came to the rights of the adoptee.

In order to secure membership in an Indian tribe, not a single tribe in the United States would permit anyone to be a member without proof positive of title to tribe membership by blood tie. The only evidence that is accepted in proof of parentage. If an adoptee needs the name and last known address of his/her natural parents to seek tribal affiliation, they get it. The Congress knew, when they passed this, that every Indian adoptee seeking tribal affiliation would have to know the identities of her/his natural parents.

Generally, adoption is regulated by the state, and not federal government. In regard to American Indians, however, the Federal government has the right to legislate in domestic relations. The choice of Congress in this particular aspect of law was to grant open records to Indians who have been adopted.

It is interesting that state governments are now being faced with a similar decision. I hope that the Assembly of New Jersey will take seriously this right granted to one segment of the American population across the board, and will, pass legislation which would give adult adoptees born or adopted in New Jersey similar access to the truth of their origins.

NEW JERSEY CATHOLIC CONFERENCE

211 North Warren Street
Trenton, New Jersey 08618
(609) 599-2110

Archdiocese of Newark
Diocese of Camden
Diocese of Paterson
Diocese of Trenton
Eparchy of Passaic

Most Rev. John C. Reiss, J.C.D.
Episcopal Chairman

Edward J. Leadem
Executive Director

December 4, 1981

To: Honorable Members of the Assembly Institutions, Health and Welfare Committee

From: Gerard Thiers, Director, Department of Social Concerns

Re: A.2051 - Opens Adoption Records to Certain Parties of the Proceeding

I am writing to re-state the opposition of the New Jersey Catholic Conference to A.2051. This legislation will open court and agency adoption records to certain parties of the adoption proceeding.

As I mentioned in my letter of May 12, we believe that the access to records proposed in A.2051 will cause great harm to many natural parents, adoptive families, and adopted children. The guarantee of confidentiality for each party and their right to privacy are principles that should be preserved in the law.

There are three additional points that I would like to make about this legislation:

1. The provisions contained in A.2051 stem from the initial version of the Federal Model Adoption Act. The recently-published final copy of the Act reverses its position in favor of maintaining the confidentiality of adoption records.
2. It is probable that some unwed teenage parents would seek an abortion rather than wait for the pregnancy to be revealed later in life. It is important to note that, for those birth parents who desire a reunion, our agencies make this possible when the adoptee has also requested it.
3. This legislation would do a disservice to all parties in adoptions because it is not clear as to which party or parties

the bill intends to help. For example, if the purpose of A.2051 is to open adoption records to adult adoptees, then birth parents should not have access to the original birth certificate or court records as provided in sections 2 and 3.

To conclude, we recognize the emotional difficulties that natural parents face after surrendering their child for adoption. We also understand the adult adoptee's desire to learn about his origins. We are very concerned, however, that the one-sided pursuit of a reunion made possible by A.2051 could lead to tragic consequences for many persons involved in adoptions. The New Jersey Catholic Conference thus respectfully requests that you oppose A.2051.



GENERAL ASSEMBLY
OF NEW JERSEY
TRENTON

ALBERT BURSTEIN
ASSEMBLYMAN, DISTRICT 37 (BERGEN)
2033 LEMOINE AVENUE
FORT LEE, N.J. 07024

LEGIS. OFF. 201-592-0033
BUS. 201-653-7500

Dec. 29, 1981

Mr. John Mohler
Office of Legislative Services
State House
Trenton, N.J. 08625

Re: A - 2051

Dear John:

I would appreciate your adding the enclosed cablegram to me to the record of public hearing held concerning the captioned bill.

Its materiality relates to the fact that some opponents of open records have pointed to the British experience, claiming a substantial decline in adoptions as a result of their new law. The allegation is simply untrue.

It should be pointed out that Mr. Trisalotis is a leading writer on adoptions in Great Britain.

I trust you and the committee will find this helpful should the issue again be raised in the oncoming legislative session.

Very truly yours,

Albert Burstein

Encl. : 1



via

Graphnet

99 WEST SHEFFIELD AVENUE ■ ENGLEWOOD, NEW JERSEY 07631

201-569-7707

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SCA9170 UWS1960 GWC700 PF011 4098JERS
GRCW HL GRCW 205
GLASGOW TF 205/194 8 2025 P1/50

LT

HONOURABLE ALBERT BURSTEIN
WOLFE BUMANN & BURSTEIN
26 JOURNAL SQUARE SUITE 1500
JERSEY CITY NEW JERSEY 07306

HAVE READ TEXT OF ASSEMBLY BILL 2051 AND FIND IT COMPLETELY IN
HARMONY WITH LEGISLATION ENACTED BY PARLIAMENT IN 1975 GIVING
ADULT ADOPTEES ACCESS TO THEIR ORIGINAL BIRTH CERTIFICATE STOP
WHEN THAT BILL WAS BEFORE PARLIAMENT THERE

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WERE NUMEROUS PREDICTIONS THAT ITS RETROACTIVE WORKING WOULD
CAUSE MUCH EMOTIONAL PAIN AND USFFERING STOP SUCH HAS NOT
BEEN THE EXPERIENCE HERE STOP HAVE ALSO READ QUOTATION FROM
NEWYORK TIMES ARTICLE PUBLISHED MARCH 10 1980 IN WHICH IT WAS SAID
THAT 21,299 BABIES WERE AVAILABLE FOR ADOPTION 1975 BUT ONLY

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12,121 IN 1970 AND DROP WAS ATTRIBUTED TO OPEN RECORDS PROVISION
OF 1975 CHILDREN ACT STOP FIGURES ARE CORRECT BUT CONCLUSION IS
WRONG DROP IN ADOPTION NUMBERS STARTED WELL BEFORE 1975 STOP
ALSO 1970 FIGURES LOWER THAN 1975 BECAUSE OF DROP IN STEP-PARENT
ADOPTIONS
STOP AFTER 1975 ACT COURTS WERE



via

Graphnet

99 WEST SHEFFIELD AVENUE ■ ENGLEWOOD, NEW JERSEY 07631

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ENABLED TO GRANT CUSTODY TO STEP-PARENTS WITHOUT MAKING ADOPTION
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BEEN MOST POSITIVE STOP WISH YOU MUCH SUCCESS WITH YOUR DEAL
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GENERAL ASSEMBLY
OF NEW JERSEY
TRENTON

DR. JOHN A. ROCCO
ASSEMBLYMAN, DISTRICT 6 (CAMDEN)
LEGISLATIVE OFFICE
295 W. ROUTE 70
CHERRY HILL, N. J. 08002
TEL. 609-663-4646

December 2, 1981

The Honorable George J. Otlowski
511 New Brunswick Avenue
Perth Amboy, New Jersey 08861

Dear Assemblyman Otlowski:

It is my understanding that on December 9, 1981, the Assembly Institutions, Health and Welfare Committee will be holding a public hearing on Assemblyman Burstein's Assembly Bill 2051.

A constituent and personal friend of mine has been following the bill's progress because she would like to prevent an incident that happened to her from happening to others. Because of the sensitivity of her situation she has asked me to pass on the circumstances of her case, and her remarks to the committee anonymously.

For the purposes of simplicity, I shall call my constituent "Mary." Mary and her husband were unable to have children of their own twenty years ago, so they went to a reputable adoption agency and went through all the proper proceedings to adopt their daughter. Mary and her husband cared for and loved their adopted daughter as if she were their own natural child. At an appropriate time in the child's life they told her the truth about the adoption. The child accepted this fact, however, she claimed that it did not matter because she had two loving parents and that she really did not care too much who her biological mother or father were. The only thing important to her was the love and care that her adopted parents had for her. Everything was fine in Mary's family until one day Mary received a telephone call from a woman claiming to be her daughter's "real mother".

The biological mother told Mary that she would like to meet her daughter. Mary agreed that she would tell her daughter that she had called and would let her daughter know how she could reach her biological mother. When Mary told her daughter that her mother had

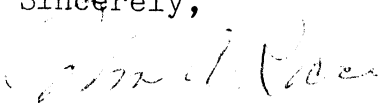
called, the daughter said that she wanted nothing whatsoever to do with her. That message was passed back to the real mother, who ignored the wishes of the daughter and continued to call and visit until one day she was able to catch the daughter answering the door. They had quite a conversation that ended very hostile. A lawyers letter warning the real mother to stay away or else face charges of harassment was sent on behalf of Mary and her daughter to the biological mother.

Needless to say, the situation was very traumatic for everyone involved. What used to be a very happy family, has now been subjected to a very sad experience that should not have happened based on the present system of justice in this state.

Mary is afraid that by opening up adoption records once the child turns eighteen years old, will only encourage more situations like hers throughout the state. She realizes however that there is a strong possibility that some sort of disclosure bill is likely to be passed. She therefore suggests in her enclosed testimony that some sort of mutual agreement to meet should be done by a third party before information may be disclosed. I would like to suggest that if there is sentiment on the committee for passage of A-2051, that her suggestions be considered so the rights of all concerned can be protected.

I would appreciate it if this letter and the letter from my constituent could become a part of the record of the public hearing as I will not be able to attend the hearing. I appreciate your cooperation and consideration on this matter. Please do not hesitate to contact me if you have further concerns.

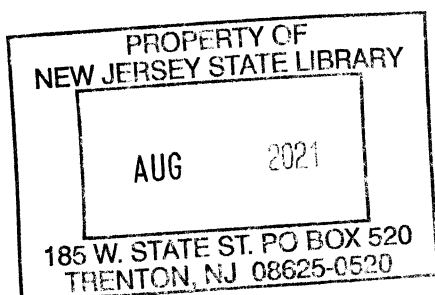
Sincerely,


Dr. John A. Rocco
Assemblyman

JAR:pm

cc: Assemblypersons Lesniak, Mays, Visotcky,
Bassano, Markert, Snedeker, Burstein
Committee Aide John D. Kohler
File

Enclosure



November 30, 1981

Assemblyman John Rocco
295 W. State Highway 70
Cherry Hill, New Jersey 08034

Dear Assemblyman Rocco:

Although I am a constituent who is personally known to you, today I must write you anonymously in regard to a matter of deepest concern to me. I, like countless others, am a member of the adoption triangle, who cannot publicly speak out against legislative proposals which threaten to disrupt our lives.

On December 9, 1981 the Assembly Institutions, Health and Welfare Committee will hold open hearings on Bill A-2051, which proposes to radically alter the institution of adoption by retroactively abandoning the legal seal of confidentiality of birth and placement records which has traditionally been maintained by the State of New Jersey.

Enactment of open records proposals will introduce great insecurity into the adoption process for birthparents and adoptive parents alike. The pregnant woman contemplating the adoption alternative cannot possibly know today what her life will be like two decades from now. In many instances only the legal assurance of a lifetime of confidentiality can provide a woman the opportunity to choose the difficult, but unselfish option of making an adoption plan for her child. Such a guarantee is imperative if she is to plan for her future, secure in the knowledge that her past will be as private for her as it is for the woman who chooses abortion. Furthermore, without the assurance of confidentiality, pregnant women may more readily be enticed into the growing black market, where records are not kept.

The proposed change in our laws could also have the effect of shortening those long agency waiting lists, by reducing the number of qualified couples wanting to adopt babies. Under an open records policy, adoption would become little more than long-term foster care, which is neither what these couples seek, nor what is best for the child. Confidentiality may well be the critical factor in the survival of the practice of responsible adoption as we have known it.

Rejection of open records proposals such as A-2051 does not preclude the possibility of enactment of other measures, which, while sustaining the privacy rights of all concerned, would allow for contact between birthparents and adult adoptees, but only if and when the desire for such contact is initiated from both sides. The key to an equitable measure must be the assurance that neither party would ever be contacted involuntarily by the other party.

At the public hearings on December 9th, no doubt some women will speak in support of A-2051, testifying to their willingness to make contact with children they relinquished for adoption long

ago. While we have no way of determining the percentage of the total number of birth mothers these women will represent, one thing is certain - none of the women for whom anonymity remains critically important can possibly come forth to testify in opposition to this bill.

For the sake of all of these many women, as well as the majority of adoptees, secure in their families, who neither feel a desire to "search" nor a willingness to be "searched out", I write to ask you to be our voice. Please convey to the members of the Institutions, Health and Welfare Committee our opposition to A-2051. Caution them, if you will, to be mindful of the potential for irreparable damage to countless lives. In the interest of satisfying the wishes of some, we must not jeopardize the rights of all.

Please be assured of our deepest gratitude for all your assistance and support.

Thank you.

A Constituent

13 Jamestown Road
Englishtown, New Jersey 07126
December 5, 1981

Assemblyman George Otlowksi
511 New Brunswick Avenue
Perth Amboy N.J. 08861

We want to take this opportunity to voice our strong opposition to Assembly Bill 2051 that is a supplement to an act concerning adoption of children and the revising and repealing various parts of the law.

First of all, as parents of three adopted children, we can more clearly see that there are problems associated with these plans. Listening to a small vocal minority is not always the wisest thing. The natural and adoptive parents each entered into the adoption under existing laws. This new law would certainly be a breach of the original understanding or agreement. Such a situation is not right. Each of us are entitled to privacy.

In future adoptions, the natural parents could sign a waiver or a right to search for the parent at age 18 or at a later date file such a paper changing this condition. Upon reaching majority a child should have the right to place a file or request, seeking his roots. The information should not be shared unless both parties have agreed. If the desire is not mutual, it is really not productive to allow the opening of files unilaterally. As a matter of fact, if it were not mutual, the results could be traumatic.

Furthermore as Christians and one of us a student at Princeton Theological Seminary, it also our express concern over the future of adoption. Abortion is certainly morally wrong, but it is highly likely that more natural parents will choose this option over the possibility of future disclosure. We shudder to think that this

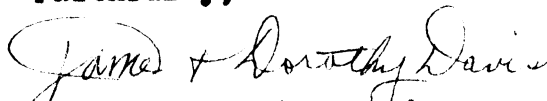
could have the fate of our children. Those who chose to go through the sacrifice of pregnancy and then be noble enough to give the child a chance for a good life in a loving, caring home really have to be admired. Their new lives need not be interrupted or imposed upon.

On the other side of the coin, this decision also means that many childless couples who desire a family and are willing and able to open their hearts and homes to a child will be thwarted in this pursuit due to the increased shortage of available children. The complicated adoption of foreign children will be the only recourse left.

Ponder your decision carefully and please consider placing the mutuality clause into this law or vote against it, as it stands today.

Thank you for your time in this most serious issue.

Faithfully,


James and Dorothy Davis

90 North Glenwood Road
Fanwood, New Jersey 07023

December 3, 1981

Mr. John Kohler
Assembly Institutions, Health and Welfare Committee
New Jersey State Assembly
State House
Trenton, N.J. 08625

Re: Assembly Bill 2051 concerning
Adoption Records

Dear Mr. Kohler:

Although I am unable to personally attend the Hearing on December 9, as an adoptive parent I have a very strong interest in preserving the confidentiality of adoption records.

Fourteen years ago, upon receipt of final Adoption Papers, there was an implied and understood Contract between the State, the adoption agency, my husband and I, and an unknown party, that the original records of the child's birth were confidential and would remain so. We received a birth certificate certifying that we were the child's parents, and we assumed full responsibility for this child just as surely as if I had given birth to him myself.

Any disclosure of these records by the State, for whatever reason (aside from a medical emergency), would be a violation of that Contract on the part of the State. How could the State, or anyone else, think of violating a Contract made so many years ago? We do not have that option, nor would we want to have it.

We have a natural child who can live life without the threat of a stranger appearing and demanding a place in her life. Why should our adopted child face this threat to his emotional well-being? We care no more for one than the other - why should the State even consider making us fear for one child's security and welfare and not the other? How can one party to a contract be allowed privileges not allowed to others?

We feel most strongly that confidentiality must be preserved for our adopted child's emotional health, as well as our own and his sister's. In the discussions that have appeared in the papers with regard to this subject, there has been little, if any, mention of adoptive parents. Those who would destroy this confidentiality appear to regard us as custodians - not parents who have provided physical, emotional, and financial surroundings for the child, as well as assumed the moral and legal responsibility for his welfare. We must be allowed to fulfill these responsibilities without a "sword of Damocles" in the form of a stranger from the past hanging over our family.

Your passage of a bill stating clearly that these records must remain confidential is not only imperative, it is in keeping with the State's original part in the adoption contract. As the mother of both a natural child and an adopted one, let me assure you gentlemen of the Committee that it is the "parenting" that makes a parent - not the act of giving birth...even animals do that.

Sincerely,


(Mrs.) Annette L. Whelan

210 Lincoln Street
Berkeley Heights, N.J.
December 13, 1981

Dear Chairman Ottowski,

We attended the public hearing concerning A 2051 on Wednesday December 9, 1981 and were very pleased that all parties involved, who attended, were able to be heard or submit statements.

Although my husband, Mark Peely, did not get a chance to speak, he did leave a copy of his statement to be included in the testimony.

Several times during the hearing you asked the speakers if they had any suggestions for settling this controversial issue for N.J. residents. We have thought long and hard about all we witnessed on Wednesday and have made some changes in our feelings as adoptive parents.

We still cannot accept a retroactive change in adoption laws, for we feel that this would be unfair to the majority of people who are directly involved with adoption. But, if what the birth parents and adult adoptees, who were present, said was a true picture of a great majority of their ranks, then maybe the answer is to propose legislation that will improve future adoption practices.

Is it possible for some state placing agencies to offer the birth parents a choice of confidential or open record adoption before they sign a surrender for their biological child? If this could be decided before the child is placed in his new family, many heartaches could be avoided. Adoptive parents would know when they accept their child into heart and home whether this would be a confidential or open record adoption. Birth parents who still desire anonymity can be secure in a decision for adoption. Then, as Assemblyman Beverin pointed out, the already existing avenue of the court is still open to the adult adoptee.

It would appear too simple a solution, but it might be an economically sound one. Agency representatives on Wednesday asked who would fund a search or registry, both of these would cost money.

Having a voluntary registry would not necessarily be a fair solution because it could possibly place a burden of guilt on either the adult adoptee or birth parent who does not wish to register.

If the agency simply asked the birth parent early during counseling, then the social worker could be sure that only adoptive parents willing to accept open record adoption would receive a child being surrendered under these terms. On the other hand, children who are placed in a confidential adoption can be placed with adoptive parents who will strive to protect this confidentiality. As mentioned before, then the adult adoptee still has the option of using the court upon reaching the age of majority.

Again, we must re-emphasize, to change existing adoption laws retroactively would not be a fair solution, nor would a voluntary registry satisfy all parties. Maybe it is more important at this time, to strive for legislation for future adoption practices that will be acceptable to birth parents, adoptees and adoptive parents.

We realize that you have much to think about and many hours of discussion and reading of the testimony presented on Dec. 9th. We hope that you will consider our ideas when striving for a sound solution. If you would like to speak to us about this further, please feel free to contact us.

May God bless you and guide you in this very difficult task.

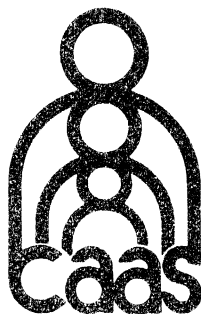
Sincerely,

Mark and Jill Seely

210 Lincoln Street

Berkeley Heights, N.J.

(201) 464-4109



December 4, 1981

Hon. George J. Otlowski, Chairman
State of New Jersey
Assembly Institutions, Health & Welfare Committee
State House
Trenton, N. J. 08625

Dear Mr. Otlowski:

Children's Aid and Adoption Society of New Jersey would like to go on record as expressing their opposition to Assembly Bill #2051. As a matter of policy, the agency does not oppose the concept of open records and has for some time been actively involved in assisting adult adoptees in their search for biological parents. Our opposition is not to a bill permitting the opening of adoption records, but to certain aspects of this particular bill.

It is the feeling of the agency that neither the original birth certificate nor adoption records should be made available to any member of the adoption triangle. Instead, the agency feels that the law should mandate that adoption agencies should provide the adoptive parents with complete written non-identifying information about the adoptee and his biological family at the time of placement. Adult adoptees should also have access to this information. Birth parents should also be given, at their request, non-identifying information about the adoptive parents. As a practical matter, it is not possible to delete identifying information from case records. In addition, since adoption agencies are primarily counseling agencies, much of the information in the record would not be pertinent and should not be available to the adoptee or other interested parties. Many of our records are already on microfilm which would present an additional problem.

The agency feels that an intermediary should always be involved in the search. It has been our experience that most adult adoptees find it beneficial to have an opportunity to discuss their questions and feelings regarding the search with a professional person. Although most of the biological parents whom we have located have been willing to have contact with their children, most need some preparation and support. For this reason the agency would like to see the law mandate that the search be made by either the agency having made the placement or by a professional person with experience and skill in this field, appointed by the court. Although all biological parents contemplating the placement of their child are now being advised that records may be opened in the future, parents who placed children in the past were not aware of this possibility and, therefore, some consideration should be given to their desires for a reunion.

Some provision should be made in the Bill for covering the cost of a search. As the Bill presently stands, the cost for this service to the agency would be prohibitive.

Sincerely,
Phyllis Ettinger
Phyllis Ettinger, ACSW
District Supervisor

PE:pf



TRESSLER-LUTMERAN SERVICE ASSOCIATES, INC.

25 W. SPRINGETTSBURY AVENUE, YORK, PENNSYLVANIA 17403 • TELEPHONE (717) 345-9113

December 3, 1981

John Kohler
Office of Legislative Services
Room 4J
State House
C-N-042
Trenton, N. J. 08625

Dear Mr. Kohler:

As the Director of an Adoption Program which has touched the lives of over a thousand adopted children, adoptive parents, and birth families in the past eleven years, I feel compelled to speak out on the matter of open records. In addition to the above, I am also the parent of fifteen children, twelve of whom are adopted. Thus, I have seen and experienced the many facets of adoption firsthand, and from those firsthand contacts have formed my opinions.

The artificial secrecy accorded to adoption has been in my opinion, largely built up and perpetuated by adoption agencies. Historically, open adoptions were commonplace. In today's America, they are still commonplace in many ethnic groups. Secrecy was fostered by an era in which unwed motherhood became an extreme embarrassment to families. Girls were sent away to have their babies. Social workers told them, meaning well, to forget this part of their life - this "mistake".

But many did not forget. I am in constant communication with birth mothers asking about how their children are. I am also in constant communication with adoptees asking about their birthparents. It seems to me to be very logical for both to have those questions - to wonder. It would seem strange not to know what the people who gave birth to you looked like - not to know your cultural heritage - not to know your detailed health history. It would seem strange not to wonder about the baby who was so much a part of your life. In looking at opening records, I think we are beginning to deal with some very real human emotions.

Many fear that opening records will mean adopted children will want to reunite with birth parents. This has not proven to be so. It seems as though the search actually brings many adoptees closer to their adoptive families, if those families try to understand their need to search. Also, these fears do not seem founded when looking at data from states and countries that do have open records, and have had them for some time.

There must be a way to move beyond relegating biological and genetic secrecy to thousands of people. There must be a way to end the nagging questions in the mind of the birth parent who wonders when each birthday comes around where and how her child is. There must be a way to educate all members of the adoption triad to see open adoption as an opportunity to move beyond fear and secrecy to

the reality of possible relationships. Perhaps that reality inevitably lies in open records. At least, it may be a place to start.

I have enclosed a copy of an article I wrote on Open Adoptions which appeared in ADOPTALK, Newsletter for the North American Council on Adoptable Children.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barbara T. Tremitiere".

(Mrs.) Barbara T. Tremitiere, ACSW

Director

Adoption Services

BTT/si

Enclosure

Kathrine Loewenberg
12 Terry Lane
East Brunswick, N.J. 08816

Mr. John Kohler
Office of Legislative Services
State House
Trenton, N.J. 08625

Dear Sir:

I am writing in reference to Assembly Bill 2051 which will be introduced into assembly December 9, 1981. As a birthmother it is with a heavy heart that I must tell you that I personally cannot endorse this bill as it is now written.

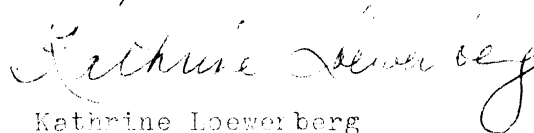
I will not go into quotes from various authors or organizations. There has been enough of that I am sure.

I will though tell you that neither I nor my family could ever endorse any bill which would place any more burdens on a birthparent. Society has done enough to penalize unwed minor mothers and it does not seem fair that our government would want to penalize these same adult women.

I would at this time like to tell you that I would consider endorsing another bill for open records. But I do believe that penalizing birthparents who search should be omitted.

I sincerely hope that when this bill is debated it is done so without prejudice on anyone's part. To often panel discussions are set up to discuss adoptees and their rights and the people who sit on these panels have already condemned birthparents.

Sincerely Yours,



Kathrine Loewenberg

R. D. #1, Box 280H
Lambertville, NJ 08530
November 30, 1981

Mr. John Kohler
Committee on Institutions, Health & Welfare
State House Annex
Trenton, NJ 08625

Dear Mr. Kohler:

I am writing to express my opposition to Bill No. 2051 which deals with opening adoption records.

Bill No. 2051, now before the Committee on Institutions, Health and Welfare, would impact negatively on the essential fabric of the institution of adoption.

My objection is that 2051 does not focus on the rights of all parties involved and does not provide for agency intervention where appropriate.

In my opinion, records should be opened only when 1) the adoptee reaches legal adulthood, 2) the adult adoptee and birth mother have registered with an agency indicating opening records is mutually acceptable, and 3) an agency is involved to weigh the impact of such information to the searcher.

I would expect these concerns to be shared with the Assembly Committee prior to any decision making on such an important issue.

Thanking you in advance for your consideration in this matter.

Sincerely,


PAMELA J. MOORE

8 Ford Drive
Hamilton Square, New Jersey
December 2, 1981

New Jersey Assembly
Committee on Institutions, Health & Welfare
Office of Legislative Services
State House
Trenton, New Jersey 08625

Dear Committee Members:

I am opposed to Assembly Bill #2051, the so-called Open Records Adoption Act. I want my statement to be entered into the official publication of this bill.

There are two primary reasons why I am against the enactment of this legislation. Firstly, the passage of #2051 would violate the terms of thousands of contracts that have been entered into, in good faith, between birthmothers and adoptive parents in New Jersey in past years. These principals were assured of confidentiality when the adoption contract was agreed upon. I am sure that for some, this assurance of confidentiality was a primary motivating factor that helped them choose adoption, instead of some other option. I do not believe that anyone, much less the New Jersey Legislature, can arbitrarily change the terms of a legal, binding contract five, ten or even twenty years later without the specific consent of the principals involved in that contract. Any legislation enacted should affect only future adoptions.

Secondly, the enactment of #2051 will eliminate the option of confidentiality in future adoptions in New Jersey. I feel that a birthmother who is considering surrendering her child for adoption should be guaranteed confidentiality in the future if this is what she wants. I believe that the birthfather has the same prerogative. Conversely, I believe an adoptee has the right to maintain a lifestyle free from contact from birthparents, if this is what the adoptee wants.

I do favor laws that would allow for the release of confidential records if both the birthparent and the adoptee agree to it. I would encourage reunions that are supervised by bona fide social service agencies and I think that public funds should be available to assist agencies that undertake this new task of aiding in reunions. I feel that any person who has access to confidential records as a matter of course and who violates the confidentiality of these records, either for personal gain or for any other reason, should be severely punished for this violation of public trust.

I do hope that the New Jersey Legislature will consider only legislation that is fair to all the parties in the adoption triangle.

Yours truly,

Andrea F. Mansfield
Andrea F. Mansfield

198 Galloping Hill Rd.
Roselle Park, N.J. 07204
December 7, 1981

Chairman George J. Otlowski
State Assembly
Institutions, Housing and Welfare Committee
Trenton, New Jersey 08625

Dear Chairman Otlowski:

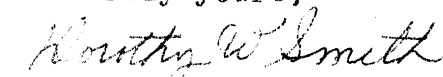
I am writing in relation to Assembly bill 2051 dealing with adoption records. I am a single working parent and therefore I cannot come in person to give my testimony on Wednesday morning. However, I hope you will consider my views as expressed in this letter.

I believe that the provision for no intermediary is a very negative one. When there is an intermediary there is opportunity for counseling, and also to determine readiness of both parties: the birth mother or father and the adoptee. I further believe that the adoptee, even over the age of 18, should not be directly approached by the birth mother. The decision to seek the birth mother should be left to the adoptee. Not all adoptees are ready at 18. In any case, they should have the chance to make their own decisions with regard to this important matter. I fully agree with the right of the adoptee over the age of 18 to seek information regarding birth parents. I believe the best way to go about this is for the adoptee to go back to the agency, where the staff can then assist, do counseling, find out the birth parents' readiness: in short, smooth the process. Thus, the main concern I have is to leave the decision making in the hands of the adoptee. Although birth mothers have many problems, I do not think it right for them to add further burdens to the situation, in order to deal with their own problems. It is certainly understandable they may regret their decision to relinquish a child. All of us have decisions we regret, and this does not give us the right to impinge on the rights of others.

Although I realize the issue of approaching children directly, who are under age 18, by birth mothers, as through the illegal sale of records, is not related to the bill, nevertheless this practice, which has affected the well being of many adoptive families in New Jersey, is a most destructive one, and must be countered. All theories concerning the bonding of children and parents indicate that the child needs stable parent attachments. It is inimical to these attachments to have another person arrive or telephone presenting him or herself as also the parent. Growing children should be spared such experiences, as should the adoptive parents who have taken on the very emotionally and economically costly task of bringing up the child.

Thank you for considering my views on this very important matter.

Sincerely yours,



Dorothy W. Smith

THE PRESBYTERY OF NEWTON

United Presbyterian Church in the U.S.A.

19 SOUTH WARREN STREET
DOVER, NEW JERSEY 07801
201-361-0084



December 8, 1981

Mr. John Kohler
Office of Legislative Services
Room 4-5
State House
Trenton, N.J. 08625

Re: Asembly Bill 2051

Dear Mr. Kohler;

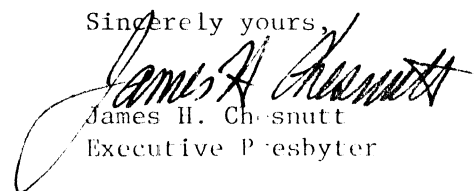
I am the chief administrative officer of the Presbytery of Newton which consists of sixty-seven Presbyterian Churches in Morris, Sussex, Warren and Hunterdon Counties. At its meeting on March 10, 1981, the representatives of these churches voted in support of an overture which supports the rights of adult adoptees to receive, upon request, copies of their original birth certificates and court and agency records pertaining to their adoption.

This action was based upon a concern for the rights of persons, particularly adult adoptees, to have knowledge of their origins. The "sealed records laws" have prevented adopted persons who have reached adulthood from knowing the truth of their origins. One of the major concerns is that hereditary illness which may have surfaced in the in an original parent during the middle years of their lives may be preventable in their children if that history can be known. We are also concerned that adult adoptees have no medical, cultural, or religious history and often experience mental anguish unless and until they can discover the simple facts about their birth.

The debate in our Presbytery was primarily among adult adoptees and adoptive parents, the majority of whom favored the kind of legislation in AS 2051.

I will be unable to attend the hearings on Dec. 9-10 and request that this letter be included in the Public record.

Sincerely yours,


James H. Chesnutt
Executive Presbyter

Executive Presbyter.
Dr. James H. Chesnutt
201-729-3611 (home)

Administrative Assistant.
Mary Jane McKechnie
201-627-9099 (home)

Christian Ed. Consultant
Janet Eisinger
201-627-1217 (home)

Stated Clerk.
Dr. Hugh M. Miller
51 W. Blackwell Street
Dover, New Jersey 07801
Office: 201-366-0216
Home: 201-366-1975

Treasurer.
David C. Lloyd
51 W. Blackwell Street
Dover, New Jersey 07801
Office: 201-366-0216
Home: 201-366-1135

926 Ocean Road
Point Pleasant,
New Jersey 08742

December 21, 1981

State of New Jersey
Assembly Institution
Health and Welfare Committee
State House
Trenton, New Jersey 08625

Gentlemen:

re: Assembly Bill #2051

I am a 32 year old adoptee. I have searched for and found my natural mother, brother, and three sisters. I want you to know that I feel that adoption records should be open to adult adoptees and to birth parents when the adoptee attains the age of majority. Therefore, I feel that you should support A.B. 2051.

Under the circumstances, with Assemblyman Burstein going out of office, I sincerely hope one or more members of the new assembly will sponser this most understanding bill.

There has been a crime committed against me and all adoptees born during the closed record era. No intermediary or registry could possibly replace the right that has been revoked from us. The mere fact that we have to debate this matter is an outrage. We are fighting for information that most people take for granted.

These are our vital statistics!

Thank you,


Gerald J. Meaney



NATIONAL
ASSOCIATION
OF
SOCIAL
WORKERS
INC.

NEW JERSEY

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Executive Director
Jeffrey E. Lane

December 9, 1981

Honorable George Otlowski, Chairman
New Jersey Institutions, Health
and Welfare Committee
Statehouse
Trenton, New Jersey 08625

Re: A-2051 which provides for the safekeeping and confidentiality
of adoption records.

Dear Assemblyman Otlowski:

NASW-New Jersey wishes to comment on the A-2051 an act which
provides for the safekeeping and confidentiality of adoption
records, and to commend this important legislation to you.
This contribution to the establishment of consistent and
thoughtful protection for those involved in the adoption of
children is a significant advancement in social policy.

Guiding this proposal is a philosophy based upon serving
children who need permanent homes, rather than focused upon
serving "families seeking children." This is in line with
NASW policy on adoption as ratified by the NASW Delegate
Assembly in November, 1979, where the first principle states:
"All parties to adoption are appropriately regarded as indivi-
dual clients whose needs and rights should be respected and
considered to the greatest extent possible. The child must,
nevertheless, be seen as the primary client whose best interest
must take priority."

Given this viewpoint, many of the provisions of the proposed act
are sound and helpful, such as ensuring that should the adoptee
wish it, birth records will be open to him/her when an adult.
From the viewpoint of the parent seeking a child to adopt, that
provisions might be experienced as threatening. As we know
more about the importance of people being able to know their
genetic heritage, or to "find their roots", we realize how
important it is to adoptees to have this knowledge available to
them. There is no implication that if an adoptee knows who
the birth parent is, or even meets the birth parent, that the
adoptee will then stop loving his adoptive family or cease to
regard them as his "real" parents. That seems to be a common
fear of adoptive parents based on understandable insecurity
rather than fact. Not all adoptees will wish to know their
birth parent, nor to meet him/her.

December 9, 1981
Honorable George Otowski
Page 2

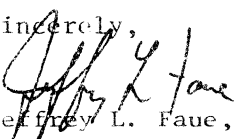
But surely the option should be there as opposed to a rigid secrecy which can leave adoptees feeling that there is some monstrous secret in their past. Therefore, NASW-New Jersey applauds the concept of more open records and the sections relating to this.

Appropriate mention should be made of the need for careful and professional counseling for the various members of the adoption triangle at particular points in the adoption process. Mention is made of the need for assessment of potential adoptive homes. These are crucial issues in the process of an adoption. We urge you, therefore, to specify that all counseling and home assessments be done by those with professionally recognized qualifications to do so, such as graduates of an accredited social work education programs. Support for this provision comes from the Children's Bureau Model Adoption Act. Qualifications for licensing of practitioners for intercountry adoptions, including "evidence that the applicant holds a master's degree in social work..." We believe that those of our citizens adoption children from our own country also deserve such professional services. To omit a statement of qualifications for those who will offer counseling and do family assessments in such a sensitive arena such as adoption is to do a great disservice to the population being served. To just say "counseling" with no specification of the qualifications of the persons to do it and no assurance of a professionally delivered service, is to leave this area open to any interpretation desired with resultant potential harm done to the clients. To offer counseling is to offer help in a sensitive, crucial area. Not to qualify the counselors means that whether or not the client receives the necessary skilled help is a matter of chance.

Adoption is at best a situation fraught with potential difficulties, pain and problems. Skilled help is an essential component in resolving these problems and smoothing difficulties. We urge that you include in the proposed act a clause in the definitional section which specifies that where counseling, or family assessments, or a home study is mentioned, that the person to do this should be a social worker with a degree from an accredited school of social work education.

We appreciate the opportunity to comment on this document, and would be glad to offer any additional consultation or help needed.

Sincerely,


Jeffrey L. Faue, ACSW
Executive Director

JLF/lb

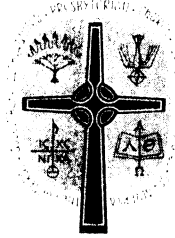
cc: Assembly Committee Members
Committee Aides

THE UNITED PRESBYTERIAN CHURCH

IN THE UNITED STATES OF AMERICA

1201 INTERCHURCH CENTER, 475 RIVERSIDE DRIVE, NEW YORK, N.Y. 10115

Telephone 212 870-2005



William P. Thompson, Stated Clerk

Otto K. Linkbeiner, Associate Stated Clerk and Treasurer

Rev. Robert L. Stevenson, Associate Stated Clerk

Rev. Robert T. Newbold, Jr., Associate Stated Clerk

December 16, 1981

Chairperson,
Institutions, Health and Welfare Committee
New Jersey Assembly
Trenton, New Jersey

Dear Sir or Madam:

Attached is a copy of Overture 39: On Supporting Legislation REGARDING the Rights of Adult Adoptees and Their Natural Parents, which was passed by the General Assembly of the United Presbyterian Church in the United States of America.

This copy is being sent to you pursuant to the request of Pamela Hasegawa.

Sincerely,

Robert T. Newbold, Jr. /jee
Robert T. Newbold, Jr.,
Associate Stated Clerk

RTN:jee
enc.

OVERTURE 39. ON SUPPORTING LEGISLATION REGARDING THE RIGHTS OF ADULT ADOPTEES AND THEIR NATURAL PARENTS--FROM THE PRESBYTERY OF NEWTON.

Whereas God our Creator saw fit to use an adult adoptee who was well aware of the truth of his origins to deliver the Israelites from bondage to the Egyptians; and

Whereas the Psalmist acknowledged the Presence of God in the creation of every individual when he said, "You created every part of me; you put me together in my mother's womb...when I was growing there in secret, you know that I was there--you saw me before I was born"; and

Whereas Isaiah affirmed the unlikelihood of a mother's ability to erase the memory of a child she birthed when he said, "So the Lord answers, 'Can a woman forget her own baby and not love the child she bore?' Even if a mother should forget her child, I will never forget you"; and

Whereas Jesus said, "You will know the truth, and the truth will set you free"; and

Whereas the "sealed records laws" instituted in the last five decades have prevented adopted persons, over whom a contract is made in their infancy when they are helpless to participate in it, from ordinarily knowing the truth of their origins by permanently sealing original birth certificates and agency and court records pertaining to their adoption; and

Whereas although any nonadopted person in the United States has the absolute right to obtain personal vital statistics for a minimal fee, an adoptee must go to court, however expensive and unsuccessful the process, to request a judge to issue a "good cause" order to know the simple truth of who gave birth to her or him; and

Whereas because of permanently sealed records, adoptees have no medical, cultural, or religious history and often experience emotional anguish; and

Whereas permanently sealed records have created a mythology about adoption, which is that adopted persons have only one set of parents; the surrender paper in effect becomes a certificate attesting to the death of any relationship at any time between the original parent and child, thus creating for the child a pair of ghost parents who are not in their graves but who may live in the next town, or have hereditary illnesses that do not surface until they are in their middle years (long after any medical history taken at the time of the child's birth), and whose children, born later, may unknowingly risk incest when they attend college or work in the same work places with their half sisters or brothers; and

Whereas our Lord spoke often of acceptance, forgiveness, and reconciliation as qualities desirable for believers to experience daily in their human and spiritual growth; and

Whereas the Federal Department of Health and Human Services now has before it the proposed Model State Adoption Act, which includes "Title V. Records," which would grant adult adoptees the right of access to their original records to learn their identity at birth and that of their natural parents and which would grant original parents of adult adoptees the right to ask the agency that handled the adoption to contact the adult adoptee to notify her or him that the original parent desires contact--a section supported in testimony by the National Association of Social Workers. "Not all adoptees will wish to know the birth parent, nor to meet her or him. But surely the option should be there as opposed to a rigid secret which can leave adoptees feeling that there is some monstrous secret in their past.")

Therefore, the Presbytery of Newton , meeting at Madison, New Jersey, on March 10, 1981, respectfully overtures the 193rd General Assembly (1981), as follows:

To go on record as supporting the rights of adult adoptees to receive, upon request, copies of their original birth certificates and court and agency records pertaining to their adoption;

To support Title V of the Model State Adoption Act and Procedures, prepared under Section 202 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, which would grant adult adoptees the aforementioned information and which would grant natural parents a more limited right as explained above;

To act through the General Assembly Mission Council in encouraging and stimulating synods, presbyteries, and local churches to take the following types of action in supporting adoptees who have reached adulthood, in their desire to know the truth of their origins:

(1) Send letters of support of Title V of the Model State Adoption Act to congresspersons and to the President of the United States.

(2) Write letters to the editors of local newspapers and national magazines expressing support of open records.

(3) Work to help all persons involved in adoption--natural and adoptive parents and adoptees, who comprise 10 percent of our population--face the reality of their situations with honesty, openness, and compassion for one another.

Committee on Institutions, Health and Welfare
Chairman George J. Otlowski

Mr. Chairman:

I believe this bill, A2051, as presented is a threat to the emotional health and stability of many families in the state of New Jersey. This threat will be felt by all sides of the adoption triangle.

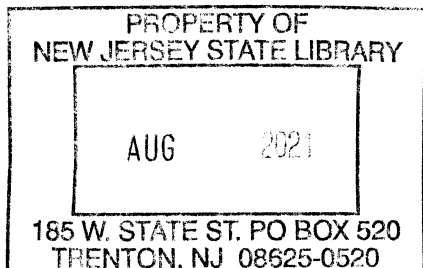
The provision of confidentiality is basic to the concept of adoption, it provides necessary protection to adoptees, birthparents and the adoptive family.

The retroactive nature would have an impact upon birthparents who are secure in the knowledge that they have made the right choice, a difficult and painful choice for the future and care of the child, and one that allows the birthparent to pick up and continue their own life.

The future of adoption is threatened. In our society today abortion is legal. By eliminating the right to confidentiality, many birthparents may chose abortion instead of adoption, thus robbing human beings of the love and life which is their birthright.

Adoptive parents devote their life and love to care for their children. This parent-child relationship must not be reduced to one of long term foster care. Children need families, not just until they are 18, but for their whole lives. We all require that sense of belonging to a family unit, it is basic to our lives. Children can and do have special needs to know something about their roots. When a baby is placed through a legal and state regulated agency, medical and geneological information is provided. This information can be shared by parents and children. It is not necessary for either adoptees or birthparents to intrude upon each other without consideration of the feelings and wishes of all involved. Therefore, Bill A2051 does not protect the rights of all concerned in the adoption process:

1. By allowing the adult adoptee access to the original birth certificate without the consent of the birthparent.
2. By requiring the placing adoption agency to contact the adult adoptee at the request of the birthparent, without prior consent.
3. By requiring that this bill retroactively open adoption records, which, by law have been sealed.



CONCLUSION

If it is the decision that the adoption process in N. J. be legally changed, then previous binding contracts of adoption should not be broken. These agreements were signed in good faith by birthparents and adoptive parents and are now in force. Should it be the decision of the majority of the members of this committee that there is need of adoption reform, then let it begin now, and proceed under the direction of trained, professional adoption experts. Past adoptions in our state should not be threatened, parties interested in future adoptions have the right to know all the facts beforehand - just as we thought we understood confidentiality as an integral part of adoption.

Mark Seely
210 Lincoln Street
Berkeley Heights
New Jersey 07922

67 Lahiere Avenue
Edison, New Jersey 08817
December 9, 1981

To the Honorable Mr. George Otlowksi, Chairman
of the Committee on Institutions, Health and Welfare
and the other members of the Committee:

I would like to clarify my opposition to Assembly Bill 2051.

I am against Assembly Bill 2051 for the following reasons:

- 1) The bill will allow a birthparent to contact the agency who placed their child for adoption, to make a reasonable effort to search for their biological child.
- 2) The bill will retroactively allow biological parents the right to search for the child they gave up for adoption.

Giving biological parents the right to search will weaken adoption and the permanent family structure adoption has afforded both the adoptee and the adoptive parents. In the past, when surrendering their child for adoption, biological parents gave up all rights to their child to safeguard the new family unit the child would become a part of. Assembly Bill 2051 threatens the adoptive family unit and the institution of adoption.

Sincerely,

A handwritten signature in cursive script that reads "Joanne De Santo".

(Mrs.) Joanne DeSanto



COLLEGE OF MEDICINE AND DENTISTRY OF NEW JERSEY

NEW JERSEY MEDICAL SCHOOL

100 Bergen Street
Newark, New Jersey 07103

December 3, 1981

Honorable George Otlesky
State Assembly of New Jersey
Trenton, New Jersey

Re: Assembly Bill #2051

Dear Assemblyman Otlesky:

As Director of the Division of Genetics at the CMDNJ-New Jersey Medical School, I should like to strongly urge the adoption of Assembly Bill #2051 regarding the availability of information concerning the medical and biologic background of individuals who are adopted. There are three cogent areas in which such information would be vitally important to the health care of such individuals, in particular, with the rapid advance in our understanding of genetic disorders and in transplantation.

Let me outline these areas as I see them with specific examples that would make this information of vital importance.

- a) Transplantation - although the use of transplantation from compatible donors still has limited usage, the availability of such a donor may be life-saving in the individual instance. The requirements for a successful transplant utilize a specific HLA (tissue histocompatible) matched donor. For practical purposes, the best chance of a match is with a sibling, parent or close relative. With the extension of transplantation now to be the treatment of choice for certain types of leukemia, and some of the new work in liver transplantation, this will be an important area of medical care in the coming years. Specifically, last year a teenaged boy, adopted with acute myelogenous leukemia achieved remission with standard chemotherapy. The best results are then obtained with compatible bone marrow transplantation. With great difficulty and after several months of investigation, it was learned that a sibling indeed was alive and living in Florida. Unfortunately, by the time this information was obtained and the HLA status determined (the sibling was indeed compatible) the boy had undergone hematologic relapse from which he succumbed.

- b) Genetic or inherited disease - The information that an individual may be at risk to develop a genetic disease or that the symptomatology of an illness may indeed be related to an inherited disorder is obviously vital for the overall care and health maintenance of the individual. Such information is routinely part of all medical histories; why should it not be available for all? It is estimated that 15% of all pediatric admissions have a genetic basis as the cause for the illness or hospitalization.
- c) Recognition of the effect of environmental factors on potential genetic disorders - This has the greatest potential for improved health maintenance. The basis of this is the recognition that most of the common disorders which will undoubtedly affect all of us (cancer, coronary artery disease, stroke, hypertension, diabetes) all have a familial or genetic predisposition. The thrust of health maintenance in the future will be the recognition of certain environmental risk factors which might enhance our basic genetic predisposition to these disorders. Thus, for example, there is evidence for a high recurrence risk of certain types of malignancies in some families, early onset of coronary artery disease, hypertension, diabetes, etc. An individual by knowing his genetic background and in consultation with his physician, can better prepare his lifestyle. Some environmental risk factors have been well established: in families with a strong history of lung cancer, smoking should be avoided; individuals from hypertensive family backgrounds might do best with more frequent blood pressure monitoring and avoidance of salt in the diet and/or reduction of cholesterol; others with family history of breast cancer may seek earlier examinations --- the list can be extensive. However, the basis for such early recognition is the knowledge of one's family medical history and background.

To summarize, for the above stated medical and genetic reasons, availability of information of one's family medical history is an important aspect of health maintenance. It should be available to all. The adopted individual should not be placed at such a medical disadvantage. The adoption of this bill will considerably aid this process and bring to the adopted individual the same medical status that we all have.

Sincerely,

F. Desposito

Franklin Desposito, M. D.
Director, Division of Genetics
Associate Professor of Pediatrics

December 9, 1981

To the Assembly Institutions, Health and Welfare Committee
State House, Trenton, New Jersey 08625

Mr. Otlowski, members of the committee, and all interested parties :

My name is Barbara Hedlund. I have been a New Jersey resident for five years. I am a thirty year old adoptee, college educated, married, and a step-mother. I am in career as a full time professional musician.

This past June 30th, 1981, I was reunited with my natural parents. Although they are not married to each other, they still maintain an extremely close, loving relationship after thirty-five years. This reunion was affected with the consent, blessings, and aid of my adoptive family. The reunion with my natural parents has had no negative effects on my relationship with my adoptive family. They are in no way threatened by my newly found friends. They are convinced of my right and ability to make my own decisions. In their hearts and mine, they will always be my parents. We are all happy to have learned the source of my heritage, my genetic background, my personality traits, my musical talents, my physical attributes, as well as the truth about my adoption.

My search was motivated by the belief in my right to know my true heritage, to learn the truth of my existence, literally, "Who I am", to learn my genetic and medical background, and unconsciously, to improve my self esteem. As a child, my adoptive parents fulfilled all of my material wants. However, my emotional and spiritual needs were not met. My adoptive mother, now deceased, had a fixation with my illegitimacy causing us both emotional problems, culminating in physical and mental abuse. This led to a sense of poor self esteem for me.

My natural parents have thought and worried about me since they reluctantly surrendered me for adoption at the age of five days. They never forgot about me, constantly writing to the doctor who had arranged my private adoption, hoping for information and reassurance on me. There were always plenty of people who knew about the pregnancy and the adoption. My natural parents always respected my adopted parents and the laws of the State of Florida where I was born. They never thought to intrude on my new life. The records were sealed, but the facts were still unsealed in many minds. My search was easy because there were so many people available to give me information.

Confidentiality can never be assured, even though the law seals the records. If the laws were effective, there wouldn't be so many reunions! Confidentiality only exists on papers in filing cabinets, not in people's hearts and minds.

continued....

I would like to add that I in no way obtained information through any illegal channels or methods. Nor, did I pay any exorbitant fees for the information I received. As a matter of fact, everyone was most cooperative in providing me with answers.

If we are to believe as Thomas Jefferson wrote that "All men are created equal", then how does this relate to adoptees and sealed records? We have no rights regarding our true and rightful birth information. My natural parents had the right to surrender me for adoption. My adoptive parents had the right to adopt me and change my name and birth certificate so that I would appear as their own natural child. What rights did I have? A contract was made over me without my consent. Now that I am an adult, am I still bound by that contract made over me as an infant containing false birth information? Whom are we serving?

As adult adoptees, we in New Jersey are restricted from access to our original birth certificate. The same denial is adhered to in the State of Florida. As an example of how the concept of sealed records can be taken to its illogical conclusion, and not serving its original intent, let me tell you of my experience. I have proven to the Bureau of Vital Statistics in Florida that I have had a reunion, given them substantial proof regarding my birth information, including requests and permission from both sets of parents, plus paying for the document, only to be denied official access to information I already know. It seems pointless to continue the charade under these circumstances.

I am in favor of open records to adult adoptees to provide a more healthy attitude towards adoption on all sides. We are living in an era where we no longer focus on scandal, blackmail, a birth mother's shame and need for privacy. It is much more important that we deal with the best interest of the adoptee and put aside all personal doubts and fantasies.

Not every adoptee will want to learn the truth of their origins, but for those who do, they should have undeniable access to their true birth information. Let's allow an adult adoptee the same privileges and dignity that every other non-adoptee shares.

Thank you for your concern and support.

Sincerely,

Barbara L. Hedlund

December 23, 1981

Assemblyman George J. Otlowski
Assembly Institutes, Health & Welfare Committee
Trenton, New Jersey

Dear Assemblyman Otlowski:

As adoptive parents we oppose Assembly Bill 2051 that would open adoption records. When adopting our child we were assured of the confidentiality of the proceedings. We would consider it a breach of promise to suddenly have these records opened.

We feel that any reunion between adoptive and birth parents should be based upon mutual consent with the adoption agency the intermediary. It is plausible that the birth parent may not want to be found or that the adoptive child might not wish to meet his or her birth parents. This legislation will betray trusts, destroy confidences, eliminate confidentiality, wreck life-long relationships, insure emotional insecurity, create psychologically destructive anxieties and apprehension.

We urge you to oppose Assembly Bill #2051.

Sincerely yours,

Martin & MaryAnn Chapkosky

Martin & MaryAnn Chapkosky
R. D. #6, Box 365
Newton, New Jersey 07860

December 23, 1981.

Dear Committeepersons,

Please find enclosed with this letter, my written testimony supporting the passage of Bill AB 2051 (Open Adoption Records) sponsored by Assemblyman Burstein.

Thank you for your time.

Respectfully,

Annette Judith Stampone
Annette Judith Stampone
(36 th District, N. J.)

December 23, 1981.

As an adoptee who has spoken out about the rights of Adult Adoptees before, I feel I must speak again. I would like this Bill to be passed because as an American citizen, my rights are being abrogated by the ignorance of those rights as defined in the closed records laws now enforced in New Jersey. I am speaking now in terms of the United States Constitution and the Thirteenth Amendment. It reads as follows :

" Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. "

The rights of the Adoptee as an adoptee fall into the rating of a second-class citizens. In regard to the other areas of our lives, we are adults. When it comes to having the knowledge of our own heritages, suddenly we revert, according to law, to the ages of minority at which we were adopted, never being acknowledged as adults who would rather handle the Truth, rather than be fed the lies, half-truths, and stories of those in an administrative position to help us, the social workers. We signed no contract and yet are bound by it. I would rather be legally emancipated at the age of eighteen and go back to my parents as my parents because I loved them, and not because the law said that I had to.

The law does not come to terms with the psychological displacement that the adoptee has to come to terms with in order to survive.

The questions pertaining to your background and identity may be major factors in your life. Those who can, search; for those who are immobilized by the trauma and cannot speak of it, cannot search and through this paralyzation of need, speak eloquently to the others who have searched, " Who am I ? " It is not a Pandora's Box which is being let loose. What is being let loose is the psyche of many who asked as another adoptee did so many years ago, in ancient Greece, and he truth to the question, " Who am I ? "

Thank you for your time.

Respectfully,

Annette Judith Stampone
Annette Judith Stampone

Victoria Rose Viggiani
350 Kearny Avenue
Kearny, N. J.

N. J. Assembly Bill 2051
Trenton - State House

Issue: Closed Records

Dear Sirs:

I am extremely against closed records for the following reasons: I am one out of 7 children placed for adoption by unfortunate reasons where my natural mother could not care for us. In 1954 after my natural mother gave me and two other children up she had suffered an emotional breakdown. Fifteen years later, because I could not locate her and know anything of my background or that of her, I came close to the same thing. I was with her for 3 years.

The government has spent over 80 thousand dollars for me within the last 15 years for theraputic reasons because of emotional problems I encountered because even the smallest detail concerning my background would not be released. This is not only my problem I am sure. Other adoptee's have suffered from depression, withdrew from personnal relationships, and also had identity problems. Sure the adoptee appreciates the ones who raised them. That parental guidance, care and love we received will never be forgotten. The words of EE Cummings explains it all: "We are a mystery that will never happen again - and if we have one life to live, and then to be separated from our loved ones forever, why let that situation exist in life, between parent and child, that had many years separation already"

There is shock only when the natural parent and child meet but there is never hatred. The hatred develops when the law dominates the feeling and causes the friction. When society and law states in the minds of the natural parent and adopted parents and their children, "This is not a normal action, you have no rights". God did not make this law, man did.

The constitution writes, equality, freedom and the right to be. Well, the adoptee wishes to be who he really is, not a false identity. The identity is covered for protection in childhood but as adults we are responsible for ourselves. I am looking at this in a psychological point of view. The pain, the lies must stop. We were not like puppies born and handed over and that is supposed to be the end of it. We are talking about human beings. People with feelings who search out of love, curiosity - we forgive, we care. God states love thy father and mother at any cost, for any reason. That means both natural or adopted.

If you have any respect for human life, and the protection of mental health, you will open these records when the adoptee reaches legal age; or your tax dollars can continue to take care of people in my position who suffer emotionally through society's damage. You can change the lives of little children with adopted parents when they reach maturity. Give them a choice or lock them in chains as you have done to the adoptee and natural parent for the rest of their existance. In a world

now where there is so much child abuse and neglect, now is the time to show that that is not the case in all love between parent and child, that in this life there are parents and adultchildren who wish to come together and make peace for years of separation and hurt. There are those who must be placed for adoption because they could not be cared for but this does not mean the parent never wants to see their child again. Remember that I have 6 brothers and sisters that your laws have stated that none of us have rights to ever know each other and that our natural mother and father can never see us again. We are not to know that each of us exist as brothers and sisters. We are not to know if we are dead or alive. We are not to know if we may want to know each other. We, sirs, are not to know our neices and nephews. We are not to know if there is any history of medical disorder. Out of seven children all of the same blood and from the same mother, your law has cut us away from each other for life. Tell me if you could live with this? Where are your brothers and sisters? Where is your mother and father? Do all of you gather on the holidays and embrace each other? We don't because we have been separated for life. I am an only child today. My father is deceased. After I loose my mother I am alone in this life except for friends. I will have no family. Do you know the joy life would bring me to see my brothers and sisters? We all range from 19 to 30 years old.

In conclusion of this letter don't look at the worst that could happen. Look at the emotional strain and separation, inhuman experience people are put through when the right to know everything and anything is taken away and then when the child grows up and the natural parent and child and adopted parents want to know you turn your faces away and tell us - sorry, we can't help you. It is a freedom of choice that we want. The choice to look into our roots.

Thank you for your time, and have a happy holiday with your loved ones.

Victoria Rose Viggiani

57 Montrose Pl.
Stratford, Ct. 06497
12/6/81

Mr. Otlowski, Chairperson
Inst. Health & Welfare Committee
c/o Tom Hancawa
Mill St.
Morristown, N.J.

Dear Mr. Otlowski:

Although I have so often heard the argument for closed records based on the need to protect the birthmother's privacy--a claim used in the main, it seems, by adoptive parents and agencies--I would like to speak against that argument. Speaking from my ~~own~~ experience as a birthmother who surrendered her son in 1961, I can assure you that there was never a promise made to me for my privacy. Indeed, what came to be so felicitously referred to as a "promise" by foes of open records, to never know the whereabouts or circumstances of my son, was the most dreadful and implicit punishment of a surrendering mother.

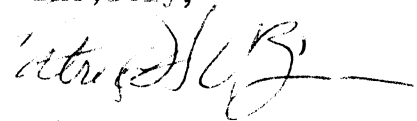
I understand that there are some birthmothers who tried to build a life, after surrendering their child, that denied their child had ever been born. This is a life, I imagine, full of fear and insecurity because it is built on a lie. How sad that they took upon themselves the burden of shame society seemed to say was theirs! (Not that any of us is free of that shame to some degree.) I feel these women's rights to maintain these shams is overridden by the adoptees' rights to know their birthparents. While this may seem a harsh stand, I feel, in the end, they would be liberated from their "shame," rather than harmed by embracing the truth. And, in any case, the adoptee, whose rights have been most harmed by closed records, has the right to access to information about the circumstances surrounding his birth and adoption.

The "promises" implicit to the birthmother at the time of surrender were that she would never know anything about her child again and that that would be fine because once she knew her child was secure with an intact and excellent family, she would be able to put the child from her mind forever. Apparently the assumption was that birthmothers have less sensitive psyches than parents who keep their children! As a mother who has cried and wondered and often feared the worst fate for her absent child (and he died? Was he ill? Did he really go to a good family?) these false promises have held the greatest irony. And from what I have been told by the many adoptees I know, their suffering is, if anything, greater.

Therefore, I would like to express my hope that records will soon be open to adult adoptees. Legislation based on acceptance of their right to know would not only liberate them, but the birthmothers--in hiding or not--as well.

Thank you for your consideration of my heart-felt, if less than eloquent plea.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Patricia Lora O'Brien', with a long horizontal flourish extending to the right.

Patricia Lora O'Brien



State of Kansas . . . John Carlin, Governor

DEPARTMENT OF HEALTH AND ENVIRONMENT

Joseph F. Harkins, *Secretary*

Forbes Field
Topeka, Kansas 66620
913-862-9360



December 7, 1981

Mr. George Otlowski, Chairman
Attention: Pam Hasegawa
Health and Welfare Committee
New Jersey State Assembly
State House
Trenton, NJ 08625

Dear Mr. Otlowski:

In reference to the effect of the open record laws for adoptives in Kansas we have found evidence that the records were opened by law as far back as 1948. The answers to your specific questions are as follows:

1. Are there any repercussions to a member of an adoption triangle attributed to the open records?
Answer: No statistical data available. For the most part the adoptive person is relieved in that the search was concluded and the family history could be obtained. Many original birth records of adoptives, are opened for medical or health reasons, but the majority of the requests are to satisfy a deep rooted desire to learn more of their heritage or parents life style. The natural parents wish to know that their children have faired well but apparently are reluctant to provide financial assistance or to donate medically needed living organs.
2. Is there a relationship between open records and the number of adoptions recorded?
Answer: We have no data on the number of adoptions prior to 1948. The adoptions from 1967 to 1980 indicated no significiant change. The economy of the country and payment of aid to dependent children would have more effect on the total number than the open record laws.
3. Should adoption records be left unsealed as they are

(1)

December 7, 1981

now?

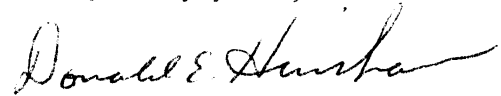
Answer: Yes, it is best for all concerned that only the adoptive person be able to trace the natural parents.

4. Have abortions increased since 1955 due to the open record laws?

Answer: Abortions in Kansas were not legal until 1970 and accurate data as to an increase in numbers are difficult to obtain. There is no correlation between open records and the number of abortions. The number of abortions is directly related to the economy, public assistance, the availability of public funds for abortions, and the population growth.

In 1979 we have received 101 requests to open sealed birth records by the adoptive person who were of legal age. In 1980 we opened 157 records and to date (December 3, 1981) we have opened 155 for 1981.

Very truly yours,



Donald E. Hinshaw
Chief of Records
Bureau of Vital Statistics

DEH:ar

the medical certification and signature. When all items have been completed the new certificate shall be submitted to the Division of Vital Statistics and upon its acceptance it shall be marked "amended" and shall indicate also, the date of amendment and the section of the certificate that was amended. (Authorized by K.S.A. 65-2422c; compiled Jan. 1, 1966.)

K.S.A. 65-2423. ADOPTION CASES. (a) In cases of adoption the state registrar upon receipt of a certified order of adoption shall prepare a supplementary certificate in the new name of the adopted person; and seal and file the original certificate of birth with said certified copy attached thereto. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age or by an order of court. Upon receipt of a certified copy of a court order of annulment of adoption the state registrar shall restore the original certificate to its original place in the files.

(b) For any child born in a foreign country but adopted in Kansas the state registrar, upon request, shall complete and register a birth certificate upon receipt of a certified copy of the decree of adoption, together with proof of the date and place of the child's birth. The certificate shall show the new name of the child as specified in the decree of adoption, and such further information concerning the adopting parents as may be necessary to complete the birth certificate. The certificate shall show the true country of birth and the date of birth of the child, and that the certificate is not evidence of United States citizenship.

K.S.A. 65-2424. LEGITIMATION. In cases of legitimation the state registrar upon receipt of proof thereof shall prepare a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original certificate shall be sealed and filed and may be opened only upon order of court. (L. 1951, ch. 355, § 24; June 30.)

K.S.A. 65-2425. INSTITUTION INMATES OR PATIENTS; RECORDS AND REPORTS. Persons in charge of institutions for care of (or) correction or for treatment of disease, injury or childbirth shall record and report all statistical data required by this act relating to their inmates or patients. (L. 1951, ch. 355, § 25; June 30.)

REGULATION 28-17-13. MATERNITY HOME, CLINIC AND HOSPITAL REPORTS. Each maternity home, clinic, or hospital shall report to the State Department of Health on or before the fifth day of each month, on special blanks furnished by the Department, a complete list of births and stillbirths occurring in the institution during the preceding calendar month. The list shall include the child's name, date of birth, and name of attending physician. (Authorized by K.S.A. 65-2402, 65-2425; compiled Jan. 1, 1966.)

REGULATION 28-17-14. REQUIRED RECORDS OF INSTITUTIONS. It shall be the duty of the state registrar, or his duly authorized agents, to inspect the records of all hospitals and other institutions, both public and private, as often as in the judgment of the state registrar it may be necessary to do so.

MARTIN BRANDFON
ATTORNEY AT LAW
330 WEST 15 STREET
NEW YORK, N. Y. 10011
989-7995
679-7575

December 9, 1981

George Otlowski, Chairman
Institutions, Health & Welfare Committee
New Jersey State Assembly
The State House
Trenton, New Jersey 08625

Re: A.B. 2051

Dear Mr. Otlowski:

Since I last wrote to the Committee in May and expressed my support for A.B. 2051, part of which would permit adult adoptees access to their birth records, I have become aware of something which I would like to bring to the Committee's attention and provide for your consideration.

I am speaking of the "Indian Child Welfare Act of 1978", 25 U.S. Code 1917, and more specifically Title II, Section 107 which provides that:

"Upon application by an Indian individual who has reached the age of eighteen and who was the subject of an adoptive placement, the court which entered the final decree shall inform such individual of the tribal affiliation, if any, of the individual's biological parents and provide such other information as may be necessary to protect any rights flowing from the individual's tribal relationship."

I have attached for the Committee's information the following materials and highlighted the excerpts which pertain to Section 107 and its predecessor Section 104:

Exhibit A: The Indian Child Welfare Act of 1978, 25 U.S. Code 1917.

Exhibit B: 95th Congress, 1st Session, Senate Report No. 95-597, November 3, 1977.

Exhibit C: 95th Congress, 2nd Session, House Report No. 1386, July 24, 1978.

Exhibit D: Hearing before the United States Senate Select Committee on Indian Affairs, 95th Congress, 1st Session, on S. 1214, August 4, 1977. (Indian Child Welfare Act of 1977)

Exhibit E: Hearings before the Subcommittee of Indian Affairs and Public Lands of the Committee on Interior and Insular Affairs, 95th Congress, 2nd Session, on S. 1214, February 9 and March 9, 1978, Serial No. 96-42. (Indian Child Welfare Act of 1978)

It is significant that native American Indians are the only group of people whose domestic relations are regulated by Congress under the Supremacy Clause and that Congress has accorded them the right to apply for information about their biological heritage. The information is vital to every Indian as it proves their status as an "Indian", determines their tribal affiliation, and secures all the rights that they have because of their status.

The Indian Child Welfare Act of 1978 was passed after years of abuse and injustice in the areas of foster care and adoption of Indian children. There were intensive studies, hearings and reports of both the Senate and House Committees responsible for legislating national policy on this matter.

Voices of opposition to the Act and those against the open record provision were heard and their point of view was adequately presented. However, this time their pleas to protect the anonymity and preserve the alleged confidentiality of natural parents were unavailing. Though the language of Section 107 was slightly modified, its intent is clear.- access to records for adopted adult Indians is now a reality.

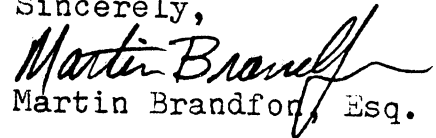
As illustrated in the Hearings, it is curious that the opponents of open records for adult adoptees recognize the policy of free access as "modern thinking" and the "emerging view" of sociologists and psychologists in the field of adoption, while they manage to cling so desperately to their outdated paternalistic concerns for our welfare.

The right of adult adoptees of all races to learn of their national origin, religion and the identity of their blood relatives is no less compelling than the right which has been granted to Indian adoptees.

I do not speak for those adoptees who wish to remain ignorant about their identities; their freedom not to learn about themselves is preserved. For those of us who are seeking the truth about our origins A.B. 2051 is a beginning and I urge you to endorse it. The passage of this Bill will make New Jersey a leading state on the resolution of this emotional and political issue and bring us all to the modern age of reason and equality.

Thank you for the opportunity to present my comments.

Sincerely,


Martin Brandford, Esq.

National Register
of Health Service
Providers in Psychology

Director,
Caldwell Counseling Center
519 Bloomfield Ave.
Caldwell, N.J. 07006

ZELLIG BACH, ED. D.
PSYCHOLOGIST

P. O. BOX 68
CALDWELL, NEW JERSEY 07006

(201) 228-1919

Licensed/Certified
Psychologist
New Jersey No. 656
New York No. 3622
Florida No. 643

November 27, 1981

Mr. John Kohler, Research Assistant
Institutions, Health & Welfare Committee
Office of Legislative Services -- 4-J
Trenton, New Jersey 08625

RE.: Public Hearing on
Assembly Bill 2051

Dear Mr. Kohler:

I am a Diplomate in Clinical Psychology of the
American Board of Professional Psychology, and
Member of the American Psychological Association,
Divisions of Clinical Psychology, Psychotherapy,
and Psychoanalysis; I am also a faculty member,
Department of Psychology, Montclair State College, N.J.

Since I am unable, for personal reasons, to attend
the above public hearing, I respectfully submit herewith
two excerpts, twelve (12) copies each, from Science News
(Washington), both bearing importantly on A.B. #2051.

The first item is dated October 17, 1981 and is called
"Birth Rights" (Science News, Vol. 120, No. 16).

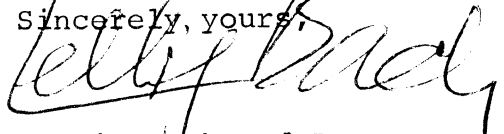
The second item was written by me in response to the
above item and is called "Life-Saving Birth Records"
(Science News, Vol. 120, No. 19, November 7, 1981).

I respectfully submit both above articles as my written
testimony for the public record.

For your information, and for the information of the
Institutions, Health & Welfare Committee, I am not an
adoptee myself, and my deep concern in this matter is
based on my professional work, both as a school psy-
chologist with adopted children and as a psychotherapist
with adult adoptees.

Thank you very much for your very kind and prompt attention
to my request, specifically to include both enclosed papers
in the public record of the Committee's hearing on AB #2051.

Sincerely, yours,


Zellig Bach, Ed.D.
ABPP Diplomate in Clinical
Psychology/N.J. Lic. #656

101x

Encls. (12 + 12 copies each)

TWO (2) EXCERPTS FROM SCIENCE NEWS (WASHINGTON)

SCIENCE NEWS

A Science Service Publication
Volume 120 October 17, 1981 No. 16

Birth rights

On the day of his adoption 34 years ago, Jim George was separated from his biological parents. Now, as he suffers from chronic myelocytic leukemia, they could save his life. He believes that if he could find them and convince them to donate bone marrow, he would be given a chance at survival that would be worth the trauma of stirring up old history.

Missouri's justice system disagrees. Unlike Kansas, Alabama, Mississippi and Pennsylvania, the state of Missouri bans the opening of birth records once adoption is complete. Only "compelling circumstances" warrant their opening, and so far, the courts have failed to find any. George's case was recently bounced from the Missouri Supreme Court back to the Kansas City juvenile court.

Physicians say that George's leukemia, characterized by an accumulation of white blood cells in the bone, spleen, liver and blood, is invariably fatal without marrow transplant from a relative. To the donor, the procedure carries no more risk than that of general anesthesia; to the recipient, there are risks of infection and rejection. Now, while the disease is in remission, is the best time to receive marrow. When the disease suddenly turns acute, transplant will no longer be an option.

"Many genetically linked problems just aren't apparent in teenage girls. And if they admitted to health problems, it would ruin the baby's adoptability," George told SCIENCE NEWS. Because he is only one of six million adopted persons and his leukemia one of 3,500 genetically transmitted diseases, George is convinced that he is not alone. Somewhere, he believes, others are seeking the answers that could speed diagnosis and lead to possible recovery.

SCIENCE NEWS

A Science Service Publication
Volume 120/November 7, 1981/No. 19

Life-saving birth records

The case of Jim George (SN: 10/17/81, p. 249) is, unfortunately, not unique. In New York state, too, an adoptee who needed lifesaving bone marrow from a blood relative donor was refused access to his adoption records and true birth certificate from which he could have established the identity of his biological parents.

In addition to Missouri and New York, there are still many other states that ban the opening of birth records once adoption is completed. But the issue of opening up sealed adoption records to adult adoptees, as well as to birth parents, is currently being pursued vigorously from several directions.

The Adoptees' Liberty Movement Association (ALMA) recently filed a civil action suit against the state of California, seeking to overturn a 70-year-old law barring disclosure of adoption information without a court order. Cyril C. Means Jr., professor of constitutional law at New York Law School, who favors the unsealing of adoption records, is one of the attorneys in the above case. He believes that the best avenue of constitutional redress is in the 13th Amendment. In his petition in the California case he writes: "In no other instance in the law, apart from slavery, is a person held subject as an adult to a contract to which he was never a party. The adoptee has been treated as a chattel and sold as a slave. The infant cannot be regarded as a party to the [adoption] contract." He also cites Finland, Great Britain and Scotland, where an adult adoptee is automatically entitled to know who his or her parents are.

In May 1981 the General Assembly of the Northern Wing of the U.S. Presbyterian Church adopted a resolution ("Overture") recognizing the right of adoptees to knowledge of their

origins by allowing them access, upon reaching the age of majority, to their original birth certificates, court and agency records. The same rights, according to this resolution, also apply to the biological parents of the adoptees.

Initially adoption agencies, in general, fought hard to protect the principle of sealed records. However, there is evidence that some agencies are now refocusing their views as a result of the general changes in social mores over the past two decades, changes which brought with them a new openness in the adoption process. The Children's Home Society of California, for instance, a pioneer agency in adoption services and the largest private adoption agency in that state, has modified its position concerning sealed adoption records. In March 1981 its Board of Directors approved a resolution advocating a modification of current agency practices and as being in favor of a policy of open adoption records.

It is interesting to note that according to the Indian Child Welfare Act of 1978, adult adoptees with Indian blood have the right to obtain their adoption papers and true birth certificates, but there is as yet no such federal provision for whites or blacks.

Alex Haley articulated most eloquently, in his book *Roots*, the inner pressures for the search of one's origins. He wrote: "In all of us there is a hunger, marrow deep, to know our heritage, to know who we are, and where we have come from. Without this enriching knowledge, there is a hollow yearning. No matter what our attainments in life, there is a vacuum, an emptiness, and a most disquieting loneliness." This hunger is doubly painful and constantly throbbing in the hearts and minds of adoptees.

*Zellig Bach, Ed.D.
Caldwell, N.J.*

THE INSTITUTIONS HEALTH & WELFARE COMMITTEE
NEW JERSEY STATE ASSEMBLY
STATE HOUSE
TRENTON, NEW JERSEY

ATTENTION: THE HONORABLE GEORGE OTLOWSKI

I WISH TO THANK YOU FOR THE OPPORTUNITY TO ADD MY VOICE IN STRONG SUPPORT OF AB 2051. MY NAME IS REUBEN PANNOR, DIRECTOR OF COMMUNITY SERVICES, VISTA DEL MAR CHILD-CARE SERVICE, LOS ANGELES, CALIFORNIA. I AM A LICENSED CLINICAL SOCIAL WORKER, A SOCIAL WORK RESEARCHER, AUTHOR OF NUMEROUS ARTICLES ON ADOPTIONS AND CO-AUTHOR OF "THE ADOPTION TRIANGLE - THE EFFECTS OF THE SEALED RECORD ON ADOPTEES, BIRTH PARENTS AND ADOPTIVE PARENTS." THE ADOPTION TRIANGLE REPRESENTS 25 YEARS OF EXPERIENCE IN WORKING WITH EVERY ASPECT OF ADOPTIONS. MY COLLEAGUES, DR. ARTHUR SOROSKY AND ANNETTE BARAN, JOIN ME IN SUPPORT OF AB 2051.

THOSE OF US WHO HAVE SPENT MOST OF OUR PROFESSIONAL LIVES WORKING IN ADOPTIONS KNOW THAT IT IS AN INSTITUTION THAT HAS LONG BEEN IN NEED OF REFORM. AB 2051 SPEAKS DIRECTLY TO THAT NEED.

THE SECRECY, ANONYMITY, AND MYSTIQUE THAT HAS SURROUNDED THE TRADITIONAL ADOPTION OF THE PAST HAS LEFT BEHIND NUMEROUS PSYCHOLOGICAL PROBLEMS FOR ADOPTEES, BIRTH PARENTS AND ADOPTIVE PARENTS.

THE WITHHOLDING OF IDENTIFYING INFORMATION FROM ADULT ADOPTEES EPITOMIZES THIS PRACTICE AND PERPETUATES A SYSTEM THAT IS PSYCHOLOGICALLY HARMFUL TO ALL CONCERNED. IT SHOULD BE REPLACED BY A FORM OF ADOPTION THAT PRACTICES OPENNESS, HONESTY AND THEREBY PERMITS A HEALTHIER AND PSYCHOLOGICALLY SOUNDER ADOPTION PRACTICE.

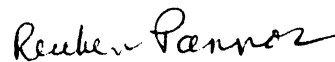
RAISING CHILDREN TODAY, AS WE ALL KNOW, IS A TREMENDOUS UNDERTAKING. RAISING ADOPTED CHILDREN PLACES AN ADDITIONAL DEGREE OF RESPONSIBILITY UPON THE

ADOPTIVE PARENTS. UNFORTUNATELY, THOSE OF US IN THE HELPING PROFESSIONS HAVE GIVEN TOO LITTLE ATTENTION AND TOO LITTLE HELP TO THE ADOPTIVE PARENTS' NEED TO BE FULLY EDUCATED TO THE MANY SENSITIVE ISSUES THAT ARE A PART OF ADOPTIONS. ONE OF THESE ISSUES IS THE NEED THAT ADOPTEES HAVE TO KNOW ABOUT AND REMAIN CONNECTED WITH THEIR HISTORICAL AND GENETIC PAST IN SIGNIFICANT WAYS THROUGHOUT THEIR LIVES. APPROPRIATE AVENUES OF COMMUNICATIONS BETWEEN BIRTH PARENTS, ADOPTIVE PARENTS, AND ADOPTEES SHOULD BE INCORPORATED INTO THE ADOPTION PROCESS. ADOPTIVE PARENTS MUST KNOW THAT THEY WILL HAVE ACCESS TO AS MUCH INFORMATION AS CAN BE AVAILABLE TO THEM SO THAT THEY CAN ANSWER THEIR CHILDREN'S QUESTIONS ABOUT WHO THEY ARE, WHY THEY WERE RELINQUISHED FOR ADOPTION, WHAT THEIR BIRTH PARENTS WERE LIKE, AND WHAT HAS HAPPENED TO THEM SINCE THE ADOPTION TOOK PLACE. THEY ALSO NEED TO BE ABLE TO SAY TO THAT ADOPTED CHILD, THAT WHEN HE REACHES ADULTHOOD AND WISHES TO KNOW MORE ABOUT HIS BIRTH PARENTS OR NEEDS TO ESTABLISH A CONTACT WITH THEM, THAT HIS ADOPTIVE PARENTS, WHO CARE ABOUT HIM AND HIS FEELINGS, WILL BE THERE TO HELP.

AB 2051 PROVIDES AN ORDERLY AND CONSTRUCTIVE WAY OF MEETING THIS HUMAN NEED.

FINALLY, ALL OF US IN ADOPTIONS TODAY KNOW THAT THERE IS NO WAY THAT WE CAN GUARANTEE TO THOSE WHO WANT TO PERPETUATE THE TRADITIONAL ADOPTION PRACTICE OF THE PAST, THAT THEY CAN, IN FACT, DO SO.

WE CONSEQUENTLY HAVE NO CHOICE BUT TO REFORM OUR PRACTICE.



REUBEN PANNOR
CO-DIRECTOR - ADOPTION RESEARCH PROJECT
P.O. BOX 49809
LOS ANGELES, CALIFORNIA 90049

1012 Philadelphia Ave
Point Pleasant, N. J.
08742

December 9, 1981

State of New Jersey
Assembly Institutions,
Health and Welfare Committee
State House
Trenton, New Jersey 08625

To Whom It May Concern:

RE: Assembly Bill #2051

Please be advised that I am in favor of adult adoptees having legal access to their original birth records and adoption decrees.

Besides the adoptee's emotional need to know, and the importance of his or her heritage, adult adoptees should be free to inspect their files to aid them in their search for medical information.

At the age of 31, my husband who was adopted as an infant, was informed that he has an hereditary eye disease, glaucoma, which is quite rare for a person his age. Had he and his physician been aware of his medical history, treatment could have been started earlier at the onset of the disease.

Sincerely yours,



Robin Stevenson

December 9, 1981

State of New Jersey
Assembly Institutions, Health
and Welfare Committee
State House
Trenton, New Jersey 08625

Gentlemen:

Re: Assembly Bill 2051

As the mother of an adopted child, I am somewhat affected by the passage of the bill allowing adult adoptees to examine their birth records, and I am in favor of such a bill.

Everyone has a right to their heritage and their medical history. In keeping these files sealed, the adult adoptee is never allowed this freedom.

Thank you,



Laurie D. Barbieri
1213 Rue Avenue
Point Pleasant, N. J. 08742

December 9, 1981

State of New Jersey
Assembly Institutions, Health
and Welfare Committee
State House
Tranton, New Jersey 08625

Dear Committee Members:

Re: Assembly Bill 2051

This is to inform you that I am very much in favor of adult adoptees having access to their original birth records.

My husband was given up for adoption 32 years ago, and as a result of that, we have two children with only one half of a medical history. This may not seem very earth shattering to someone not in this position, however, medical data would have been most helpful to their doctors as they have both experienced the same hereditary condition which required surgery before their third birthdays. God only knows what else lies ahead for them medically speaking.

My husband and I went through an exhausting, frustrating, and painstaking search for his birth family. For two years we thought of nothing else, engaging all of our spare time and money in this search. Most of this time was very depressing for my husband; he often felt it was hopeless, but he never gave up. He endured the insulting remarks and questions from strangers and the many "doors" slammed in his face. But to him the end result was worth all of the pain and humiliation he suffered. He had the support of his adoptive family and his friends, even though some do not and never will fully understand his need to know.

These records in question no longer just concern my husband; now they are also important to me and vital to our children. If open records were available, our children would be better served, and it would have spared my husband and I years of emotional stress, and spared him being treated as a second-class citizen in the State of New Jersey.

Sincerely,

Carol A. Meaney
Carol A. Meaney

926 Ocean Road
Point Pleasant
New Jersey 08742

108x

To Whom It May Concern
Open The Adoption Records!

Forty two years ago I gave birth to an Out of Wedlock daughter. Due to circumstance beyond my control (was not allowed to go home) I was forced to give my child up for adoption to Catholic Charities, Newark, N.J.

In February, 1980 I contacted Mrs Cassidy of Catholic Charities seeking information about my daughter. After several pieces of correspondence, telephone calls and pleading and a year and a half later I was finally told my ~~ado~~ daughter's adoptive parents are deceased, that my daughter has upon and that in 1964 & 1969 my daughter had been at Catholic Charities searching for me !!

To quote Mrs Cassidy "someone failed to give your daughter a release of Information form so we could not give her any information on you." Baaaah!

After more cajoling and pleading on my part, several months ago, I gleaned the "gem" of information that my daughter's first name had been changed from Marie to Judith, but again a quote "that is all the information I am permitted to give Mrs Mohr."

In my last conversation with Mrs. Cassidy it was nicely said to me "a contribution would be gratefully accepted, Mrs. Mohr, to our facility."

WHAT FOR I ASK? !!!

Since I will be 62 yrs. of age on my next birthday have been a widow for many years and have no other children and definitely since in 1964 & 1969 my daughter at the age of 42 herself was looking for me why did Catholic Charities not help her? They could have & true to form they have no desire to help me - is that their teaching and function.

My daughter certainly is old enough, her adoptive parents are deceased, there is a son and she is looking for me.

All Catholic Charities has to "reveal" is her last name and I can institute a search on my own.

In view of the foregoing I am contemplating issuing a Court Order against Catholic Charities to open the record. I was told to Mrs Cassidy, by me, and again to quote "Then we will have to open the record Mrs. Mohr."

All I need is my daughter's last name & we will find each other.

There is Strength in Numbers
Elena Mohr

209 Hurm's Ets.
Calverton, N.Y.
11433

516-727-0180

It is hereby requested that this letter be included for consideration in A.D. 2051.

My story, perhaps more clearly than most, demonstrates the necessity for open records for adoptees who have reached adulthood. I was born, placed for adoption, and adopted on the state of New Jersey (Morris County). You in the Assembly have a very special burden of decision, because I, like many others, who were adopted through the courts of New Jersey and now reside outside of the State, have no vote, no right of petition, and depend on your sense of justice to give us equal rights with others who still reside in the state.

More importantly, my husband and I have a daughter who was born with a rare, congenital, and often hereditary eye problem which has left her legally blind. Because of the need for further information for diagnosis treatment, and genetic counselling, we requested my adoption records early in 1978. After a year and we locate them in the basement of a non-affiliated social agency. The social

worker there denied us access to the records. The social worker advised us that nothing significant was listed, but also stated that the only medical information concerned childhood chickenpox and some vague information about an inherited problem causing hemorrhage at delivery. I became pregnant again, and we spent a second very anxious pregnancy not knowing whether we would deliver a second blind child. My physicians have always requested a family history. You who are not adopted take your family medical histories for granted, while we who are adopted have no equality with you. As you may, or may not know, diabetes, heart disease, high cholesterol, breast cancer, asthma, and many other diseases have strong familial tendencies. When you add these to the multitude of diseases that are passed genetically, it is obvious how important this information is. Unfortunately, women who place their children for adoption are often young and in good health.

There is no mechanism for updating old records and no mechanism for getting medical information from the adoptee back to the birth parents (where siblings have a right to be informed of genetic diseases demonstrated in the adoptees' family). Is my birthmother's right to privacy more important than the blindness of my child?

I also sought relief through the courts in Harris County in 1980. Iessite an affidavit from her daughter's pediatric ophthalmologist, Judge Stanton indicated that, "doctors don't always know best." Judge Stanton caused our daughter to undergo three more ophthalmological examinations and be also seen by a pediatric geneticist. The lack of a clear law allowing open records has allowed the judge to, in my opinion, stall my access to a higher court and the information we have so desperately needed. I might add that our four ophthalmologists and the pediatric geneticist requested medical information from both of my birthparents.

67 years and a half later he (now thirty-six years old) has just received a very limited amount of medical information from my birth mother. Judge Stanton chose, as an interviewer, a male probation officer - a rather unfortunate choice, I feel! He did discover that very important information had been withheld from my adoption parents. My adoptive father is deceased, but my adoptive mother is here today and is in complete support of my search.

Judge Stanton, in my opinion, is practicing medicine without training and licensure. By withholding what is mine (my roots, my medical history, my ability to meet and know my birth parents and thus know myself better), the court has caused, in my opinion, permanent and severe damage to me and my family. The birth of a child cannot and should not be wiped off society's books as if it never occurred.

5
to have a family tree and personality
traits, medical histories, and physical
resemblances are all a part of it.

Thank you for your consideration.

Diane S. Scott
DIANE S. SCOTT
(WIFE WALTER L.)
2424 COUNTRYSIDE DR
SILVER SPRING, MD
20904

December 4, 1981

Dear Pat,

I am writing, hoping you will be able to represent me at the public hearing on H. B. 2051 before the State Assembly on December 9, 1981.

Because of my husband's long term and progressive illness, I cannot attend myself, as I would have liked.

In 1959, my parents pressured me into a decision that I did not want to make, give my daughter up for adoption. As I signed the papers, I knew, that one day, I would try to find my daughter.

As the years passed, and I married and had children, I never forgot the little girl I would someday seek. Not a day passed, without a reminder.

Four sons followed my only daughter, but over the years, and always in bad times, the Lord has sent me a variety of little girls, for a variety of reasons. One was abandoned by her mother at the age of ten months, and was with me for over a year. Others stayed for just a few months, but always when I needed them, they were there. Every dress I sewed, every doll I bought, every illness I nursed, every bit of love I gave, I was doing for my daughter, that I saw only once, and held just briefly. I lived with a dream, but it eased the hurt, and I believe made me a stronger person.

As my daughter approached legal age, my desires grew stronger, and I began searching for clues. By this time, my husband's disease was beginning to progress, and I turned my entire energies again to my family and problems at hand.

In late September, we both read "Dear Abby", and learned of ALMA. In a very emotional scene my husband spoke what had been in his thoughts for a long time. He prayed that I would find my daughter before he died. By October 5, 1981, I had the information I had requested, and my registration was in the mail. Following the ALMA advice, I started a more positive search. One particular letter, I followed with a phone call, to the adoption agency. Yes, they would try to contact my daughter, and ask her if she wanted to meet me. On November 6, I called again, as I was leaving to take my husband to University Hospital, in Madison, Wisconsin, for some research study. "no information yet, please call when you return." Upon our return, I called again, November 18, 1981, and was told my daughter had died a crib death in September of 1960. I suffered the heartache--I shed the tears--I savored the memories, and shut out the tears--I had hope--ALL THOSE YEARS.

Not only do I know we need open records, available when a child reaches maturity, PLEASE we need to be notified if our child does not reach maturity. A devastating blow--but I am strong. ALL THOSE YEARS!!

God Bless you, God guide you,

Catherine Keeler

665 Marie Drive

Winchester Virginia 22601

December 7, 1981

Dear Mr. Chairman:

My wife and I would like to voice our strong opposition to Assembly Bill A2051 in it's present form. We feel that this Bill will destroy the fiber of the adoption process to benefit a few, to the detriment of all adoptees and parents.

This Bill is designed and slanted in such a fashion that it will create many more problems and heartaches to all concerned than it will solve or streamline. It's important to note that adoptive parents and children are held by law to abide by the agreements contracted in adoption hearings. Unless the contract of the biological birth mother or father are held equally binding, the entire adoption process will be invalidated.

The adoption process was created by law to keep the confidentiality of all parties involving adoptions confidential. This Bills major theme is to undermine confidentiality and to destroy the concept of the Rights of Privacy.

To open the records, social, financial, medical, etc., of the adoptive parents and child to the biological birth person of an adoptee is unconscionable without mutual consent of all parties. These records were submitted to an approved agency in the strictest confidence and should not be divulged by any agency or court. The right to know must be tempered and be secondary to the psychological, physiological, moral, ethical and social concepts pertaining to the meaning of what is an adoption and to the traumatic effects it will have on an adoptive child and parents.

The change of instituting an amended birth certificate for an adoptee will forever and indelibly mark the child for life. There are many instances where a birth certificate is needed regarding legal and non-legal matters. The identification that a person is an adoptee may be discriminatory to the adoptive child and is certain to single-out people which will produce an adverse reaction against their civil rights.

If an amended birth certificate is needed and justified, the adoptive child, upon reaching the age of majority should be the only person and has the only right to request a change.

The question here seems to be why have an amended birth certificate. This type of birth certificate will not enhance the adoptive child but will irritate and alienate a child in his most formative years. It will dissolve the legitimacy of the child to his adoptive parent and family. It will produce trauma for the child and parents and present personal information to anyone where a birth certificate is needed even though the question of adoption is irrelevant.

The only real reason for an amended birth certificate is to provide a means to trace the child for the benefit of a biological birth mother or father. It seeks to establish a link to the child without responsibility and with little regard to the consequences of negative identification.

The amended birth certificate will infer and denote the child as illegitimate pertaining to its birth no matter what the reason for being adopted. The right to know and total disclosure involving the amended birth certificate as proposed by this Bill is one step below giving full disclosure about one's origin. If amended birth certificates are upheld by this Bill, why not give the exact description of origin such as: conceived in or out of wedlock, conceived from rape, bastard, etc. Certainly, we do not advocate these descriptions, which are abhorrent to human beings even though they do exist. But nonetheless, instituting an amended birth certificate as set forth in this Bill does in no uncertain terms identify adoptive children in the most negative light.

In our opinion, as prospective adoptive parents, Assembly Bill No. 2051 is one-sided, out of balance and threatens the fiber and stability of our future family and all other adoptive families. It will jeopardize the entire adoption system in New Jersey by forcing women to keep unwanted children or to give them up for adoption in another state.

This Bill says nothing about nor addresses the devastating effects it will produce without mutual consent of all parties to reunions of the biological birth mother or father and the child, especially if the child is a minor.

This Bill says nothing about nor addresses the issue of an adoptee contacting the biological mother and father without mutual consent, jeopardizing the stability of their new lives.

This Bill says nothing about nor addresses the issue of who will pay for the agency search for an adoptee except that they will search and it certainly will increase the cost of an adoption which is already too expensive.

As prospective adoptive parents we do not object to having a child meet a biological mother or father, or vice versa, but the most common denominator in any reunion must be mutual consent by all participants. Failure to maintain mutual consent, confidentiality and the integrity of the adoption process will obliterate the meaning and concept of adoption.

This Assembly Bill No. 2051, fails to address these salient points and we respectfully request that this bill be rejected and action on it be terminated.

Sincerely yours,

A handwritten signature in cursive script that reads "Thaddeus + Patricia Niemiec".

Thaddeus and Patricia Niemiec
49 Rath Lane
East Brunswick, N.J. 08816

ALMA member, speaking for myself.

My name is Patricia Huff. I am an adoptee, 32 years old, married, soon to have my second child. I believe this bill should be approved because I believe it will have five positive benefits:

1. access to vital medical history information
2. improved mental health of adoptees
3. reduced risk of the secret of the adoption becoming known to those the biological parents had not informed
4. adoptees would become more productive members of society
5. access to information would strengthen the adult adoptee's sense of self-identity and self-esteem.

I draw these conclusions from my own experiences and those of my brother, who was also adopted.

The need for medical history:

I am allergic to a medicine. I have required repeated surgery for a condition that is probably hereditary. I have miscarried. I would like to know how serious these probably hereditary conditions may be, and whether or not my biological mother was given DES while carrying me. I don't know whether the risks of performing an amniocentesis on the baby I'm carrying are justified by a hereditary defect or not.

My adopted brother died suddenly at the age of 26, after having been diagnosed as paranoid schizophrenic. Even an autopsy could not conclusively establish the cause of death. It could have been an allergic reaction to medication, or the result of his congenital heart murmur. Maybe he would be alive today if his schizophrenia had been diagnosed earlier through our parents having known his family medical history.

Mental health:

According to research reported this year in Science 81, seven times as many adoptees as non-adoptees are under treatment by psychologists or psychiatrists. I am myself, and have spent several thousand dollars already on treatment. This may be needed because of the consequences of feeling rejected by our biological parents and being treated as an "adopted child," without a right to information about ourselves, throughout our lives.

Reduced Risk of Embarrassing Biological Parents:

Some adoptees will seek information about their biological parents, whether or not records are opened to them. They can be much more discreet in their search if they have accurate information.

More Productive and Better Self-Identity:

Possible consequences of being denied access to information and the way in which adoptive parents talk with us about our adoption are indecisiveness, low self confidence, low self esteem, overadapting to what others want. I am in trouble on my job as a systems engineer at Bell Telephone Laboratories because of my lack of decisiveness and low self confidence and being too willing to stop my assigned project to help others. I would feel more adult, more able to work toward my own goals if I knew something of my background through being allowed access to my original birth certificate and adoption records.

Page 10
10/10/10

The public has been given a steady dose of biased journalism in a series of articles and editorials which praise the rights of the biological parents who now seek out the children they gave up for adoption.

Current state law says that an adopted child, upon reaching eighteen years of age, is the only party permitted to see the records on his or her adoption, and even then, it takes a court order.

Would be reformers, now urge the Legislature to enact Assembly Bill 2051 which would open such records with or without the consent of natural parents, adoptive parents, or the courts. These well intentioned reformers, along with the news media, fail to consider all of the complexities and repercussions of this position. We ask you and the legislators to also consider the interests and rights of the third members of the adoption triangle, the loving parents who chose to adopt these children.

Assembly Bill 2051, now before the Committee on Institutions, Health and Welfare could have a devastating impact on adoption and all members of the adoption triangle. The bill opens records with or without the consent of the biological or adoptive parents. Many biological parents originally gave children up for adoption with the assurance of confidentiality in protecting their names from disclosure without their consent. Since this bill proposes to open the adoption records retroactively, the confidentiality, security and peace of mind which all parties anticipated would be destroyed. Such a breach of confidence could bring havoc into the lives of both the biological parents and the adoptive parents.

This bill will backfire and encourage more people to consider the alternative of abortion as a rationalization to end a human being's life, with disregard of the rights of the unborn to live. Ultimately,

this will lead to less children available for adoption, and most important of all, - to live!

This Bill will force adoption agencies to use already limited resources to become involved in unwanted intrusions on adoptive families. This Bill provides no funding to the agencies to carry out the search.

This Bill is a retroactive violation of a contract which had been signed under valid existing law at the time of the original adoption. Adoptive parents and biological parents were given protection and the right to anonymity when the adoption was finalized. This is morally and legally offensive!

This Bill holds the prospect of serious emotional trauma for one or more parties of the adoption triangle. For many positive reasons, adoptive parents opened their hearts to welcome and nurture their adoptive children into their families. We reached out to embrace them because we wanted to give of our love, guidance, and support. We have attempted to establish lasting family units and feel that the introduction of the biological parents into our lives without our children requesting such an initiation of a search could prove to be destructive to our families. If this Bill is passed, we feel that the number of qualified parents seeking adoption will decrease.

We feel that a law which would broaden the rights of one part of the adoption triangle without considering all members of the adoption triangle is a law which steps upon others' rights in a free society.

We choose to stand up and be counted against such an injustice!

In conclusion, we ask our fellow citizens to consider the Adoption Creed, as follows:

Not flesh of my flesh
Not bone of my bone,
But still miraculously my own.
Never forget for a single minute;
You didn't grow under my heart...but in it.

What says is best for all of us Adoptive Parents!

With love for our children.....

The Adoptive Parents Club
Highland Park, New Jersey

Submitted on behalf of the club by:

Mary Alice Comiskey
1020 Hanover Street
Piscataway, New Jersey
08854

752-1462

*Please review our remarks before your
committee convenes on 12/9/81.*

Thank you

Mary Comiskey

Mrs. Barbara P. (P)
103 Woodland Ave.
(2nd Floor)
Kearny, N.J. 07032
Nov. 8, 1981

Mr. George Orlowski:
Chairman Institutions, Health & -
Welfare Committee
The State Assembly of New Jersey
717 Convent Boulevard
Perth Amboy, N.J. 08861

Dear Sir:

I wish to draw your
attention to Bill A.B. 2051 awaiting a
year to get to the legislature & being
delayed for one reason or another, or non

I implore you to have a
committee hearing at which the
"Alma" organization can speak.
I am a natural mother, now married
who gave up the right to her child
31 years ago and have very much
regretted it.

These children become adults and
have a right to know their
background (however it may be).
We ~~will~~ give them this right, if the
code to know. We have to forget
about ourselves or our personal feelings.

the ~~or~~ adopted parents have raised them & loved them, it probably varies about the love of the children as adults being taken away from them (they vary needlessly, because it can't.)

We owe our adopted adults the right for the records to be unsealed, to be able to know their origin. -

which, others have taken for granted. Please our Othowski, this is not for myself alone.

my daughter I met 8 years ago - our meeting was quite favorable. Her reaction was, that a big weight had been lifted from her. (I was glad.) I had no intention of disrupting her life. my privacy was not invaded. I know there are others that feel as I do.

I hope you will heed what I have said. Would you please see that "Olma" has the chance to speak out, to try to pass the proposed ~~legislation~~ ^{legislation} assembly Bill 2031.

I get this bill out on the floor, now!!!
(Delay no longer.)

Thank you
Respi. Full
for your time
Barbara Dyff.

11-27-81
MRS. JAN M. FLYNN
18 DREXEL DRIVE
JACKSON NJ 08527

To Whom This May Concern;

I feel the records should be open for all Adoptees - all over!
My main reason is this: I found out at 43 I have ^(SSYGAR) diabetes which is generally inherited, my daughter whom I had to adopt out at birth is now 26 and could very well have this disease and not be aware of it. Knowing the history of your real parents could save a life in some cases.

Please reconsider allowing all records to be open if all the concerned parties agree or are adult enough to handle it:

I surely wish to God my daughter to find me!

Thank you for your time,

Mrs. Jan M. Flynn

①

1747 SANDHILL Rd.
MONMOUTH J.C. N.J. 08852

To Whom it May Concern,

- On Monday, April 17, 1961, I was
laid by Richard Bouzakis.
I became pregnant from the rape.
I loved, wanted & needed the baby I
was carrying more than life itself.
I never had any intentions of ever
giving up my baby. On Tuesday
January 23, 1962 - my son Richard
Michael (nicknamed Mickey) Goldsmith
was born. I wanted desperately to
keep him. But the adoption agency &
my legal (I was adopted) father refused
to let me keep him. On Friday March
9, 1962 - he was taken out of my arms
by force. He was 6 wks. 3 days. 7 hrs. 25
min. & 22 sec. old when he was
taken out of my arms.

I went through all kinds of hell
from then on. Every ^{boy} child I saw - I wondered
if he was my son. I looked for my son all
these years. In 1976 I called the agency
(I kept in contact with over the years) and told
Mrs. Foukes flat out - to get my married
name, address, phone number and other

(9)

information about my 9 daughters etc
on my record. Plus the fact that I
wanted him to find me etc. She
said she would - she also told me that
if he contacted the agency - they'd give
him all the information so he could
find me right away.

August 20, 1980 I wrote to Alma
On Sept. 19, 1980 my son Glenn
Kenneth Graham - wrote to Alma.
We found each other Saturday Oct. 4, 1980.
It was the happiest day in both our
lives. We wrote to each other & talked
on the phone several times a week.

On Monday November 3, 1980 at 6 pm
My son & I saw each other for the
first time since 3/9/62. What a reunion
I was invited (before my trip to Fla.) by Mrs.
Graham (my son's adopted Mother) to stay
with her & her (adopted) daughter while
I was in Ft. Lauderdale to visit my son.
She met me at the train station - she hugged
& kissed as if we'd known each other for years.
She's a wonderful lady & I love her dearly.
I was in Ft. Lauderdale 3 days visiting the

(3)

And my Son: 'Mrs. Graham refers to "Our Son" as Mickey Glenn when we're all together..

My son started running away & look for me when he was 14 in May 1976. He got mixed up in the drug scene & booze scene. Tried Suicide about 30-35 times - whenever he failed to find me. I tried it 8 times cause I wanted him back & loved him so much.

I feel (so does my son) the records should be opened - if both parties want to find each other. For my son & I - it was a great miracle - us finding each other. He met his sisters on Monday April 20, 1981. He saw me as his Mother on that date too. But Mrs. Graham will always be his Mom - she raised him, loved him, accepted him & all.

I could write much more on this subject - but I'm not feeling too well right now, and my handwriting isn't so good.

Thank you for everything

Sincerely,
(Natural Mother) Ann V. McPherson

Mrs. Cyril Penn

147-42 VILLAGE ROAD
JAMAICA, NEW YORK 11435
(212) 380-5819

December 8, 1981

Mr. George Otlowski
Chairman

Institutions, Health +
Welfare Committee

New Jersey State Assembly

Assembly Bill 2051

We the People of the United States, in
Order to form a more perfect Union, establish
Justice, insure domestic Tranquility, provide
for the common defence, promote the General
Welfare, and secure the Blessings of Liberty
to ourselves and our Posterity, do ordain
and establish this Constitution for the
United States of America.

.....
Union, not separateness; Justice,
not arbitrary judgment designed to protect
the vested interests of adoptive and natural
parents as well as social welfare agencies;

-- 2 --

Tranquility, not confusion; Welfare, not
oppression; the Blessings of Liberty to ourselves
and our Posterity;

These are the promises and hopes
of our American Constitution. These are
the dreams -- for the generations of progeny
to come -- expressed by our Founding Fathers.

We, as a country and we who are
Adoptees, have not yet achieved the
American Dream. For as long as principles
are corrupted and rationalized by law,
we are all enslaved.

Amendment IX (1791)

The enumeration in the Constitution,
of certain rights, shall not be
construed to deny or disparage
others retained by the People.

You who are not adopted, I ask
to imagine ... how you would feel about
your country's sincerity to the Spirit of
the Constitution if

you wished to visit, phone, know
the names of, ages, the races and religions
of your mother and father

you wished to ascertain if you have
Sisters and brothers, cousins, aunts, uncles

a biological, spiritual, emotional
heritage in addition to that legislated
by your Order of Adoption

a legacy running unknown thru
the very channels of your veins, expanding
and contracting, silent, hidden, with each
breath you breathe

and were told:

For you, Adoptee, this knowledge
is illegal, illegitimate. Your desire

For such Knowledge is testimony To
your ingratitude, neurosis, unworthiness
to have been adopted. Rest content.
Do not seek. Do not find. Accept the answers
and assurances of those who have never
been Adopted, never shaped your experience.
Accept the placebos of those who have
never looked in the mirror and not
known themselves. There is no need
for you to pursue...
life, liberty or happiness.

Imagine.

Try it. Adoptees have no generalized
physical characteristics. You can pass for one.
Spend one day "passing" as a searching
adopter and tell the non-adopted of your
needs. Listen carefully to what your "friends"
say. It takes a lifetime to sort out the truth
of your feelings given the "wisdom" of the
non-adopted.

Try it. Then cast your vote.

Sincerely,

Paula Schwartz — Lipman Penn

State of New Jersey
Health & Welfare Committee

Bill # 2051

H. J. Otowski
Chairman:

In this matter of open records for adult adoptees, I wish to represent the most discriminated people on the face of this earth - THE MEN!

Years ago in the middle fifties I was involved in a bitter, almost bloody divorce action, which even went so far as the kidnapping of my child.

At the same time I met a young girl, the daughter of a minister. We went together in secret because her father disapproved of me.

When she became pregnant he was furious and demanded I never see his daughter again. He shipped her off to an unwed mothers home over a hundred miles away in Atlanta City.

When the unnamed baby boy was born he was immediately adopted by some stranger.

I was never asked, consulted or even recognized as the father with perfectly good intentions. The situation was beyond my control.

After the child was taken from us, the hostility of the parents prevented me from ever seeing her again. Things just fell apart.

Eventually she married someone else, and when I lost my last battle in the divorce court, I remarried also.

Ten years later when she was dying with cancer, she called me and asked me to find our son and to pledge my help and assistance in whatever way I could. He is now 24 years old, and just starting out in life.

To this day I have not found him, but I will continue looking. Even if my son was fortunate enough to find his dead mothers relatives, they would never tell him who I was.

Let me conclude by saying that in this rapidly changing world it is imperative that our laws keep pace with social changes. To reject this change on moral grounds seems ridiculous almost laughable, when you have only 7 per cent of our total population of 230 million who have never seen the inside of a divorce court, cities like San Francisco that are almost 50 per cent of the people in the gay community. You have single

Page 3

people living together, groups living together, single women with 3 or 4 children who have 3 or 4 different fathers. And so on.

In effect, the adults who are seeking their origins, as traumatic and heartbreaking as their adoption was, must answer the questions "Who am I"? "Why did this happen?" "What is my heritage?" "What were the health problems of my birth mother & father?"

These adult adoptees demand the right to be represented, to be heard, to be reckoned with as any minority group.

I urge you to change the law. Compromise if you must, raise the age limit to 21. If you must. Select an Ambassador or any other way you see fit, but with one purpose in mind - GIVE THE ADULT ADOPTEE HIS ORIGINAL BIRTH RECORDS!

William J. Schreiber

Paramus, N.J. 07652

Dear Sirs

As an adult adoptee I urge you to pass AB 2051. Five years ago when I was pregnant with my second child I developed some complications which were unrelated to my pregnancy. Just imagine not knowing just what was wrong with your brain and wondering if you had passed something on to your children. It was not until this past August, 4 1/2 years later that I found my birthmother and found nothing was medically wrong. However there is a congenital eye disorder which must be carefully watched. The lies that were told to my parents at the time of my adoption led them to believe there were no problems. Thank God my eyes are fine. Yes I do wear glasses but now I know what tests should be done so I won't have more serious eye trouble. Imagine going blind and not knowing why.

I have had a very successful and loving reunion with my birthmother and one of my sisters. She has always cared and has always thought about me.

I urge you, what better Christmas present you could give all of us adult adoptees than the passage of AB 2051. Thank you.

Sincerely
Joe Ippolito

John Kohler
Office of Legislative Research
Room 401 The State House
Trenton, N.J. 08625

Betsy Bellamy
6 Harabrant Dr.
Mendham, N.J. 07945
Dec. 20, 1981

Dear Mr. Kohler,

There seems to be quite a lot of opposition to A.B. 2051 & a particular solution that I've heard a lot about is a "Registry." That is the issue I would like to address myself to.

It would appear to be a very passive system. Only people who hear about it will have the chance to participate in it. Are you aware N.J. already has a registry? Run by D.F.S.F. It was advertised four years ago when initiated, but has not been since. Advertising is expensive.

How would it be run? By the state? How would a mother who placed a child for adoption in New Jersey in 1942 & moved to South Dakota be made aware of such a registry? Would newspapers publish, free of charge, a list of State offices of social services to deal with this?

If one of the parties is dead, the other would have no chance of finding his/her mother/father or child. The opposition to open records says "Tough Luck" but that is indelicate. It's tougher luck never to know who your parents were than to know that they are dead. Letting the National Committee for Adoption run the Registry would be like putting the fox in charge of the hen house - or ALMA in charge of sealed records.

Many people searching today are finding families all

across America. Many of ²them say, "Why didn't you find me sooner"? (They thought records were open!) ALMA's registry (which is nationwide) has had some makeups but most of the finds are from very diligent & sometimes exhausting searches.

Another problem with a registry v.s. open records is it essentially keeps the adoptee in a "child" status. Playing "Mother, May I" constantly. Many people know about a child placed for adoption - grandparents, sisters, brothers, aunts, uncles, friends, schoolmates, physician & staff, lawyers & staff, agency & staff. The list seems endless. To allow all these people to know & say the adult adoptee must have permission is to impugn the character of an adoptee simply by virtue of her/his status as an adopted person. I am an adoptee & have found my mother & seven brothers & to think I might never have had the opportunity to share part of my life with them seems criminal.

Sincerely,
Betsy Bellamy

271 Oak St
Ridgewood, NJ 07450

Assembly Committee Institutions
Health and Welfare
Trenton, NJ

Dear Sirs:

We are opposed to Assembly Bill 2051 because:
It allows open records for adoptees 18 years or older
without mutual consent of the biological parents.
Also, it destroys the biological mother's right of
confidentiality. The enactment of this Bill can
only lead to more abortions and less children
available for adoption.

Sincerely,
Richard E. Frey
Susan D. Frey

I am writing in support of Bill 2051.
I am an adult adoptee and I attended the
adoption hearing on December 9th. I was astonished
by some of the testimony and would like to
share my rebuttal as part of the public record
in print with which I disagree in as follows:

The Adoption - Adoption, Once

In these times of adoption on demand, it
seems to me that any woman willing to experience
a disappointment of pregnancy and the pain of
abortion must have a strong objection to
adoption. So hard that these same women would
have adoption if confidentially was not
needed in higher adoption. Furthermore,
in speculation apart, only because of adoption
and which may be too liberal. No perpetrator
or bad law because of the existence of
either is, in my opinion, a prime example
of unethical logic.

The Stronger Adoption Parent

I can understand the indignation of
adopter parents when a child wants to find his
natural family. I think it's very much like
not experienced by all parents when a child
leaves and joins a new family. If the
parents have raised their child in a good,
loving home, the family found in adulthood could
not have been a disappointment. No most adopters
are actual reunion with natural parents is
according to the piece of mind obtained by a

(2)

complete sense of self-identity and knowledge I can only wonder what kind of parents would use the sort of emotional blackmail which require their child to live in perpetual ignorance of his own origins as payment for having adopted him.

(3) Medical History

The importance of medical and genetic history to a person's physical and mental well-being is undeniable. Advances made in the fields of preventive medicine and genetic counseling are making it absolute because we lack the basic information to make them relevant. Although the non-identifying information can be given to adoptees under present laws, most agencies don't have the facts to give to us. It cost me six dollars to have my records searched by the agency that placed me, only to find that my medical history consists of three words - normal, spontaneous birth. Finding my maternal family as the only avenue open to me if I am to get the information I need. My adoptive family supports me totally in my search. As my life my Parents have always wanted only the best for me and this initiative, is not different. This is why I question the sincerity of the love of an adopted parent who puts his own motivation above the importance of obtaining facts to all the benefits of modern medicine.

In conclusion, I would like to make
one more point. The details of my birth and
adoption are not a mystery. They are well
accounted for. The fact that other people
as adoption agency personnel) are allowed to see
them, while I am not, is outrageous. As far
as I am concerned, they have no right to
these records. My baby is the most intimate
and the possession I have. How can it be
right to allow strangers access to information
about it while denying these facts to me?
In my opinion, any legislation which prohibits
me to have all available information about
my own physical background is not only
arbitrary, it is also immoral, unethical, and
unlawfully illegal. No one has more right
to these records than I. Passage of Bill 1051
as now passed here. Only when adoption has
complete equality with all other citizens
can this country truly live up to its promise
of freedom and justice for all.

Sincerely,
Francis J. Zimmerman

December 18, 1981

Honorable George Ottowski, Chairman
Assembly Institutions, Health & Welfare Committee
State House
Trenton, New Jersey

Dear Mr. Ottowski

Thank you for the opportunity to
submit the following as our testimony re -
A-2051.

It is our belief that too many
emotional factors have been allowed to cloud
the issue relative to opening adoption records
to "birth mothers". ie health questions, the
age of the "birth mother" at the time of consent,
poor counseling and the need to know about
the now young adult.

Unfortunately, well meaning statements
have been misconstrued as condemning or
chastising "birth mothers". We are confident
that adoptive parents mean only to indicate
that legal guarantees agreed upon at the
time of adoption should not now be
abolished. The retroactive feature is of

Deep Concern to all.

We are the parents of two children adopted as infants who are currently seventeen and nineteen. They have known of their adoption since very early childhood. Although they are aware of seek + search, neither has ever expressed an interest in that direction. Should they do so, we will support them in their efforts as long as they and those they seek have protection from disclosure.

The current practice - allowing eighteen year olds to pursue a search through an intermediary (the adoption agency) protects those who do not wish to be found. It also protects the adopted child who doesn't wish to have his family structure invaded - A-2051 doesn't seem to offer this protection.

Interestingly enough, the adopted child has given very little input on this issue. Mainly one hears from those in their 30's, 40's and 50's. Few if any 18-25 year olds have ventured their opinions. Surely this is an indication they are comfortable with their

families and more interested in pursuing their education & careers and are not seeking an intervention in their lives.

Of further interest is that one rarely reads or hears of the biological father seeking an adopted child.

We are concerned that A 205-1 will inadvertently deny our children their legal status and protection as heirs. We are also concerned that they may be forced into legally absorbing costs of maintaining someone they have never known because their right not to be pursued will have been abolished.

We truly believe the current New Jersey law permits eighteen year olds and birth parents alike to locate those who wish to be located, it allows such medical information as is available to be sought, but most importantly, current law maintains the anonymity guaranteed all parties at the time of surrender and adoption.

205-1 again
Algeria
Sister's family
N.J.

New Jersey State Assembly
State House
Trenton, New Jersey

Re: Assembly Bill 2051 "Open Records For Adult Adoptees"

I am a 36 year old adoptee who was born and adopted in New Jersey. I am active in the adoption movement and am Assistant to the New Jersey Coordinator of the ALMA Society.

I am deeply concerned about the issue of CONFIDENTIALITY and the RIGHT TO PRIVACY which surfaces every time the question of open records for ADULT adoptees is raised. It should be clearly understood that it is the ADOPTIVE parents, not the birth parents, who use this issue as a means of keeping the records firmly closed.

Before I became involved in the adoption movement, I thought, somewhat naively, that ALL records were gathered up and sealed in one file which was then placed in some tightly guarded vault to which very few people had access.

I was to discover that there are many records available to a great number of people, that clearly show that my mother gave birth to a baby and then placed that child for adoption.

But first, one must understand the true purpose of "sealed records". It is to protect the parties involved from the PRYING EYES OF THE PUBLIC!" This insures that a reporter or the town gossip can't go snooping around and discover that Mrs. Smith had a child out of wedlock and gave it away. This is a legitimate reason, but sealed records were never intended to prevent the ADULT adoptee from knowing his or her birth parents or the circumstances of his or her adoption. It is the ADOPTIVE parents who have twisted the purpose of sealed records in their attempts to keep the records forever closed.

I have copies of the SURRENDER (signed by my birth mother), the PETITION FOR ADOPTION, the CONSENT TO ADOPTION and the DECREE OF ADOPTION. Nowhere in those documents is there any mention or suggestion of any "confidentiality" for any party involved. It is simply a transfer of parental rights and responsibilities.

Although I am not allowed access to the records involved in my birth and adoption, please think about the following members of the "public" who clearly have had access, from 1945 until the present day.

The PHYSICIAN who treated my mother during pregnancy
his NURSING and CLERICAL support staff

The ADOPTION AGENCY
SOCIAL WORKERS, CLERICAL staff & LEGAL advisors

The HOSPITAL where i was born
DOCTORS, NURSES, MEDICAL personnel & CLERICAL support staff

My ADOPTIVE PARENTS

They were given copies of the DECREE OF ADOPTION which contained the names of my birth parents. My birth mother lived less than 5 miles away at that time.

The ATTORNEY for my adoptive parents
LEGAL and CLERICAL support staff

NEW JERSEY STATE REGISTRAR (has original birth certificate)
CLERICAL support staff

MONTCLAIR, N.J. DEPT. OF VITAL STATISTICS (has original birth certificate)
CLERICAL support staff

ORPHAN'S COURT OF ESSEX COUNTY (finalized the adoption)
JUDICIAL, LEGAL and CLERICAL support staff

ESSEX COUNTY SUPERIOR COURT-CHANCERY DIVISION (filed petition to open my records)
JUDICIAL, LEGAL and CLERICAL support staff

DIVISION OF YOUTH & FAMILY SERVICES, TRENTON, NJ (ordered to review my files)
SOCIAL WORKERS, and CLERICAL support staff

With each new proposal for a State or National Registry as a solution to this issue, increasing numbers of people will be guaranteed access to this sensitive information. How many more people are you going to allow access to before the records are given to the

person to whom they truly belong, the ADULT adoptee????????????????

IN conclusion, I would like to stress the following:

1. My birth mother was never promised confidentiality from me.
2. Adoptive parents have no right to presume to speak for birth mothers on this or any other issue.
3. My birth mother has a right to privacy from the "prying eyes of the public" but NOT from the child she gave birth to.
3. Neither the adoptive parents nor the state of New Jersey can "legislate" away the fact that I was born to my mother and am forever connected to both her and my original birth family.

Thank you for listening!

Jean Andersen

Jean Andersen, Assistant to the ALMA-New Jersey Coordinator
10 Browning Court
Mendham, New Jersey 07945

STATEMENT OF OPINION REGARDING OPEN RECORDS FOR ADULT ADOPTEEES

DECEMBER 1981

ELSA PETERSON
83 Midland Avenue
Wallington, NJ 07057

It is my firm belief that every human being, including adoptees, has a basic right to know the truth of his or her origins, his or her biological heritage.

However, there are those who do not share this belief, and to them I present an argument based on medical and biological considerations.

Most obvious is the potential problem with congenital and hereditary health conditions faced by persons like myself who do not know their medical history. I, for example, was born with a malfunctioning kidney which had to be removed when I was an infant. Having married a man who was also born with a kidney abnormality, I would like to know whether my own problem is hereditary. I have also had problems with pre-cancerous cells in my cervix, a condition which may be linked to DES or to heredity. I have no way at present of learning whether my birth mother may have been given DES when she was carrying me, or whether she and/or other female blood relatives have developed cancer of the cervix.

My physician has pointed out that, should I gain access to the medical records which were sealed at the time of my adoption, I would still not necessarily know whether the health problems mentioned above were inherited. In the 28 years since I was adopted, my natural parents may have given birth to other children with malfunctioning kidneys. Every one of my female blood relatives may have developed cancer, even though none of them may have had it in 1953 when I was adopted. On the other hand, neither of these

conditions may afflict any of my blood relatives. The only way I would have of learning whether these conditions were inherited would be to find my natural family and ask them.

In view of my having only one kidney, I am more likely than the average person to need a kidney transplant. To have blood relatives who would be possible donors would certainly be comforting to me. By the same token, it may be that one or another of my blood relatives has a medical need that I could fill. I cannot give a kidney while I am living, but I can give blood, bone marrow, etc.

Another biological risk that adoptees face is that of incest. It is not unknown for a half-brother and sister, or two first cousins separated by adoption, to meet, fall in love, and marry.

In view of these medical and biological considerations, it would seem undeniable that no agency - let alone the United States government - has the right to deny adult adoptees access to their birth records. Indeed, I believe that we have a responsibility to ensure that such access is provided to all those who wish to take advantage of it.

Adoptees, though raised in the custody of persons to whom they have no physical ties, nevertheless have a biological heritage. We were not made out of paper in an attorney's office. We were conceived, carried, and born just like all other human beings. To know the facts of our origin is surely a necessity for our well-being, both physical and psychological.

Sincerely,



Re: New Jersey Assembly Bill No. 2051

I am in favor of the passage of this bill.

I am an adoptive parent of three adult children. Our daughter has searched and found her birth mother. Through her association with this lady she has learned not only important medical information, but other details of her biological heritage that give her, for the first time, a real sense of who she is.

When I am asked how I feel about this situation, all I can say is "very happy."

First and foremost, what all parents want for their children is that which will help them to become fulfilled adults. Learning about their biological heritage is important to the complete development of the adoptee.

In addition, I have gained personal satisfaction from meeting our daughter's birth mother--she has become a part of my extended family.

It seems that some adoptive parents, especially those of younger children, fear the passage of this bill. They have no reason to do so. The bill expressly deals with the rights of the adult adoptee. A natural parent can not, under this bill, have access to records that would lead to a minor adoptee.

Nor do adoptive parents need to fear that their children will no longer consider them as parents. Adult adoptees are not looking for parents; they already have parents. They are looking for information. My daughter will always be my daughter, just as I will always be her mother.

It is because I love and care so much about my children that I actively urge the passage of this bill.

Martha E. Houck
Box 178
Bedminster, NJ 07921

TESTIMONY
ASSEMBLY BILL 2051
CONCERNING ADOPTION RECORDS
December 9, 1981

Sandra Nairn
18 Seminary Avenue
Hopewell, N.J. 08525

Being adopted has a huge emotional impact on all persons involved in the process. But here, at this hearing, the question is legal, not emotional. In order to protect the blood parents of the child put up for adoption, who for whatever reasons decide to give away their own flesh and blood, I repeat, to protect these parents adoption records are sealed. The adopted child then has no avenues open for obtaining very basic information about his or her own self in areas of crucial importance in this day and age: heredity, medical and historical (geneological) facts are withheld from the adult adoptee, facts that any other person in this country is fully entitled to see and know.

The following are some questions which cannot be answered for the adoptee while records remain closed:

What diseases run in my family? Heart disease, high blood pressure, cancer, diabetes, etc.?

What is the average life span in my family?

Are there any hereditary diseases in my family or any genetic defects?

Do twins or multiple births run in my family?

Do any mental disorders run in my family?

What color hair did my parents have? Eyes? Height? Build?

What particular skills, talents or abilities run in my family?

What nationality am I?

What combination of races am I?

When did my family come to this country?

If I marry could my spouse be my cousin, or even my half or full brother or sister?

These questions are unanswerable for the adoptee; the right to answers is denied to adoptees. This is just a sample of the questions that any person, other than those adopted, in this state has the right

to see. But this same right is denied to adoptees. Not only does the adoptee have to accept the fact that he or she was given away by natural parents, a fact the very nature of which makes the adoptee different literally and emotionally from the rest of the population of this country, but now the adoptee has different rules regarding access to records containing very basic information that is totally taken for granted by other citizens. The adoptee has different rules within the legal system as it now stands. Isn't this a gross form of discrimination, as discriminatory as any other set of laws applying to only a limited segment of the populace? If a person in this country cannot be discriminated against because of race, religion or creed, why then is it legally condoned for adoptees to have different rights? I am adopted. Why don't I have as much of a right as a born citizen of the United States to have access to all records of my own life? The woman and man living across the street from me have access to this information, why don't I?

Agreed, the natural parents give up the child and wish their identities and any pertinent facts to be kept secret. But are these secrets worth the real risks faced by the adoptee in planning for the future with so many unknowns in his or her past? Adoptions are supposed to be for the good of the child, so that the child might have the opportunity of living a better life with adopted parents, better than might be possible with natural parents. But the laws, as they are now written, hurt that child as an adult by withholding necessary facts that link them to a past (nationality and geneology), to a family medical history and to genetic heritage. All of these facts are necessary for any human being to consciously plan for their future free of fears and doubts due to multitudes of unknowns. Access to these facts would allow adoptees the opportunity to be more equal member of the human race within the United States, persons with "roots" like everyone else.

Adoption records should be opened to adoptees. Adult adoptees should have legal access to their records as any other citizen would. Please do not ignore this issue. The principle here is very important even though a small segment of the populace is directly affected. Discrimination against anyone is undemocratic and against the ideals upheld in our Constitution.

Sandra Nairn

As an adoptive mother ^{and} now a grandmother I feel it is
 just time for me to speak out for open records for our
 children when they reach 18 years of age. ~~Then~~

There was a time, when we were raising our children, when
 I was thankful for the security the State of New Jersey provided
 adoptive parents so that the possibility was slim that our
 families would be disrupted by the change of mind of the
 biological parents. However, the fact that certain medical in-
 formation was withheld from us when we chose our second
 baby could have proved disastrous to us all had we not been
 most fortunate as the child that her health was good as the
 child grew.

Now it could still be important in raising her own
 children ^{and} we have been thwarted at every turn while
 seeking further information. A congenital problem has arisen
^{and} it is most important that information be secured for
 future use.

Why must these children, who certainly didn't ask to
 be born, be treated like 4th class citizens? Why can't they
 know their heritage? Most adopted children have had normal,
 happy childhoods ^{and} I am sure are not necessarily going
 to know their biological parents - but many are in need
 of biological help or information - Why aren't they entitled to
 it? Is the biological mother or father completely without
 blame or responsibility ^{and} the child entitled to remain
 nameless ^{and} free of responsibility ^{and} only responsible for
 the child conceived in so-called sanctity? ^{and} the "outcast"
 child left to wallow in a sea of uncertainty.

Put yourself in my position - I'm as much a

loving ^{as} generous parent as any biological ^{legit} parent. -
Don't say children ^{as} Their children have as much right
to a healthy, normal, informed life as any citizen in
this country. They aren't the so-called wayward They are
the innocent victims - ^{as} This must ~~not~~ stop!
Please support Assembly Bill 2051.

Eliz G. Spier
formerly of Mrs. T. J.

My friends I am here today to implore you to pass bill 2051 and end the last form of slavery that exists in our state today. For there has been no other instance but slavery in which a contract made by adults can bind the child once he reaches adulthood.

We must change our attitudes and policies regarding adoption, for in the effort to protect the innocent minor child, the adoptee, records were sealed.

No one could foresee the future; the day when the child no longer exists. In his place stands a bewildered adult searching for his roots; his identity.

The struggle for a sense of identity is common to all of us. For an adoptee it takes an uncommon dimension. Cut off from blood roots the adoptee is often deeply troubled by feelings of abandonment and alienation.

Adoptees want what everyone else takes for granted: the sense of heritage that answers the most basic and haunting of human questions, "who am I?"

Knowledge of one's genealogy is necessary for a complete identity. It is an inalienable and entitled right of every person, except an adoptee. His rights are in a "sealed record" which infringe upon basic civil and human rights including those promising equal protection under the law for all.

The original purpose of sealing records were to protect the child from the disgrace illegitimacy. We are in 1981 and illegitimacy no longer carries the same stigma.

Please end our enslavement. Open your minds, your hearts, and open our records. For you can never seal our minds, but by sealing our records you condemn those of us who want to search to long expensive, and frustrating searches.

My own search took ten months fifteen days, over three hundred hours, and approximately five thousand dollars.

On Monday December 8th I had a reunion with my mother and feel ~~so~~ sure if you could have experienced it with us you would have no doubts about passing bill 2051.

For the first time in my life I feel complete the questions have been answered, the healing has begun.

I bring you a message from both my families they support the passing of bill 2051.

Peggy Stapleton
Adult Adoptee
145 Nelson Ave.
Jersey City, N.J. 07307

Barbara Donnelly
Lynchburg, N.J.

I am here to speak today because I have experience with all three phases of the adoption triangle.

My experiences have given me a great deal of insight into the issues we are facing here today, and because of my experiences I have developed very strong feelings on this issue.

1. I am an adoptee- adopted at the age of five.
2. When I was 17 I was unmarried and found myself pregnant. I was then faced with the possibility of giving my own child up for adoption.
3. I am an adoptive parent.

As an adopted child I experienced a curiosity about my biological family. This curiosity intensified, and as an adult who began having children of my own, I realized it was a real psychological need.

I began my search 13 years ago, and this summer was completed.

I was one of eleven children. My biological parents are still married. They had given up five of the eleven children. In August we had a reunion with our very last sibling. Finding out what really happened and why was really important to me. This information has given me an inner peace which would not have been possible had I not found my biological roots. How did this effect my relationship with my adoptive parents? They are truly my parents. I love them. I am proud to be their daughter and I feel this experience has brought me closer to them.

Speaking on behalf of birth parents. I know there is a great deal of pain that they experience in making the decision to place their child for adoption. Who really has the right to judge whether they should never meet again, even as adults. I feel they should make the choice. The birthparent and the adult adoptee alone.

I am also an adoptive parent. My little girl is now 10

years old. I will do everything possible to see that she develop into an emotionally healthy adult. I am happy that her biological parents gave her to me to raise as my own. This I did and nobody will ever take this from me. I am secure about our love. When she becomes an adult I will stand by her. I will support her. If she wishes to contact her biological family I will do everything I can to help her. I will realize that now she is an adult that what ever happens will not threaten my relationship with her.

I'm sure that the people opposing the bill are well meaning but unless you were deprived of your birth origins and your medical information, a privilege that so many of you take for granted, you could not possibly understand how we feel.

Those of you opposing the bill please re-examine the issues and remember that your not dealing with under aged adoptive children but adults whose rights were taken away at the time of their adoption we are just trying to regain this right.

PLEASE PASS THE BILL FOR ADULT ADOPTEE'S

REPORT TO ASSEMBLY BILL 2001

The Adoption Forum of Philadelphia which is composed of 230 adoptees, birthparents, adoptive parents, and professionals in the field of adoption feel that Assembly Bill 2001 is a giant step forward in giving adult adoptees many of the rights that other people take for granted. Many adoptees have an overwhelming need for some continuity with their own past i.e. their life before they were adopted and the knowledge concerning who their birthparents and their other forefathers are and were. They feel that a vital part of their identity is missing. And they feel a need to come to grips with the missing pieces of their life before they can fully reach and pursue their goals. Research indicates adoptees are more vulnerable than nonadoptees to the development of identity conflicts in late adolescence and young adulthood. Many of these adoptees have a feeling of isolation and alienation resulting from "the break in the continuity of life" because adoption tries to erase their past.

There are many positive benefits that adoptees gain from a successful search. Many adoptees are enriched by a new meaningful relationship with their birthrelatives. And most adoptees report a deeper sense of love and appreciation for their adoptive parents whom they view as their true psychological parents. And for the vast majority of "found" birthparents, the reunion experience has provided an opportunity to resolve old guilt feelings and erase the years of wondering whether their

child was alive or dead, and how he or she is doing now.

Assembly Bill 2051 stresses the importance of maintaining the adoption records for 50 years. And this bill provides an easy route to update information such as medical. This bill recognizes that an adoptee has a right to know his natural heritage. It provides a means by which the adult adoptee can have access to the entire adoption proceeding and his original birth certificate. However we feel that the same rights should be extended the birthparents of an adult adoptee. They also should have access to the adoption proceeding and the amended birth certificate. We do recognize that the bill provides a way for the birthparent of the adult adoptee to request that the adoption agency to make a search for the adoptee with their request that a reunion take place. The decision to pursue a relationship is then left in the hands of the adoptee. From the experience of the members of our organization we know that many searches take months and even years to complete and no adoption agency has that kind of time or monetary resources to devote to these searches. Nor do they have the interest to pursue the search as much as the the parties involved do.

In conclusion the Adoption Forum does support Assembly Bill 2051 in its effort to open records for the adult adoptee. However we feel these same rights should be extended to the birthparents of adult adoptees.

Testimony on House Bill 2051

Comments of: Julie Bissey - Birth Mother
Coordinator of Pennsylvania-South Jersey Branch
Concerned United Birthparents

I am Julie Bissey. I am a wife, mother and a birth mother of a sixteen year old son who I surrendered for adoption. I am also the coordinator of the Pennsylvania-South Jersey Branch of Concerned United Birthparents. As a birthparent, I am opposed to the present system of closed adoption and feel that the records should be opened in New Jersey.

The present system of secrecy in adoption is cruel and in-human. It does not benefit anyone. Years ago, we had little data about how secrecy in adoption affected peoples lives. Today we now know secrecy not only has ill effects on the lives of the birthparents but also the lives of the adoptees.

No social worker, Judge or lawyer should have the right to sit at their desk with records pertaining to you and tell you that you haven't the right to any information contained in them.

Much talk has been mentioned about endangering the anonymity of birthparents. Perhaps we should ask who really wants protection. The agencies? The doctor? The lawyer? Certainly not the birthparents. I know! No one asked me if I wanted anonymity. I was told it would be the best thing for me. When indeed, it was the worst injustice done to me.

We birthparents are finding that the protection of our anonymity is as harmful to us as it is to our surrendered children. More and more of us are coming forward to make ourselves available to these children we relinquished.

There are portions of Bill 2051 that I feel are not in the best interest of all parties to adoption. The section of Bill 2051 that would forbid agencies from sharing information on the birthparents with the adoptive parents could be very harmful to the child. Heredity, defects or illnesses, most of which were unknown fifteen to twenty years ago, could be passed on during pregnancy through drugs we took. Birthparents were not told of their responsibility to their children with regards to medical information in the future.

The section of House Bill 2051 that would impair a fine of \$10,000.00 and a jail sentence of six months to anyone aiding and abetting in a search is ridiculous and unheard of. I am in agreement with the section that gives the adoptees access to his/her original birth certificate at age 18. They should have the right to know their identity if they have the need. No one should have the ability to deny them their heritage.

Adoption laws must be changed. Secrecy in adoption is wrong. This secrecy that caused so many of us so much pain and sorrow certainly cannot be right.

You as legislatures have a moral obligation to hear what we are saying:
OPEN THE RECORDS TO ALL PARTIES. Do not stick your heads in the sand.
Don't look backward to a time when the focus was on birthparents
shame and need for secrecy. Allow us the dignity to be able to
contribute to the best interest of our surrendered children.

REMARKS ON OPEN ADOPTION RECORDS AND BILL A2051

Emily K. Uptegrove

The present adoption system, only about 60 years old, is relatively new in this nation's history. Because the system was so new, many assumptions, believed at the time to be true, became the basis of current laws. Therefore, understandably, the adoption system was founded without the benefit of facts that only time would uncover.

The present adoption system assumes that an infant's mind is blank tablet, and that not having any contact with its biological family, it would automatically become in every way, thought and deed like its adopted parents. But in actual fact, time has proved it otherwise. The adopted child cannot fit into a genetic mould that is not its own even if it tries. As the infant grows, these differences surface and demand answers.

Only one who has been in the humiliating predicament the adult adoptee can know the deep torment in his or her soul, stripped and cut off from all self-knowledge. That is why the adult adoptee will risk and search for origins, regardless of the outcome.

Adult adoptees often do not voice this desperate inner need to their adoptive parents for fear of hurting them or of being misunderstood.

Adult adoptees are not trying to replace their adoptive families with their biological ones, but are only trying to learn who and what they are in order to fill a painful gap in their psyches. Relationships between adult adoptees and their adoptive parents can be continuous and good if the adoptive parents try to understand and support the grown adoptees' in their search to find themselves.

I know this is so, because I am an adoptee. After years of frustrating searching, I finally found my biological family in Kentucky. I am no longer haunted and fettered by the fears and fantasies of my wholly unknown origins. I now have a place in American history. I belong. I now know my ethnic background. I have a heritage and welcoming relatives. And I still maintain an affectionate bond with my adoptive family. I am free to pursue my life today, illumined by the light of self-knowledge that explains to me who and what I and my children are. My torment is over. I have gained inner peace.

I hope this answers adequately the question often asked me: How could I want to know the natural parents who gave me up, after all my adopting parents did for me?

My driving urge to know my origins had nothing to do with what anyone did or did not do for me. It had nothing to do with love and loyalty. It had everything to do with my need to feel complete as a human being.

Adoptees are the only human beings over whom a legal contract is made without their knowledge or consent. As adults, they are the only ones in this country denied legal access to their own biological history and origins that every other American citizen takes for granted as a God-given birthright.

Open records for adult adoptees should not be viewed as a threat or danger to any of the parties concerned, or even to the institution of adoption. (Children are still being adopted in those states that do have open records.)

But open records are most important to those adult adoptees whose identities are still walled behind impenetrable seals.

There is room for wholesome relationships, mutual understanding and respect for the needs of all who are involved in the adoption triangle. We are truly one together on this planet.

In the words of Psalm 85, "Mercy and Truth are met together; Righteousness and peace have kissed each other."

May it be so today, with the passage of Assembly Bill 2051.

Respectfully,

Emily K. Uptegrove
Emily K. Uptegrove
December 9, 1981

Mrs. Neil Uptegrove
R.D. 1 Box 196L
Stephens Park Road
Hackettstown, NJ 07840

I am an adoptive mother and I strongly support open records for adult adoptees. Many of the feelings I will be relating are shared by other adoptive parents that I know.

Two of my three children were adopted as infants. They are now 8 and 6 years of age. My husband and I have always spoken openly about adoption to our two boys and have always answered all their questions.

At a very early age, children begin to ask questions about where they grew. Our children were told that they grew in another mother. This, of course, leads to questions about that "other mother." These questions (who is she? where is she? what does she look like?) are very normal. In fact, I find myself asking the same questions about my children's birthparents.

Who are these people who decided to give birth to my boys? Will I ever be able to meet them and thank them for helping start the lives of my children? When your child says "I miss my other parents" this, of course, translates to "I am thinking about my other parents." When a child asks "Can people who aren't married make babies?" and "Then what do they do with them?" , when children have this need to know at an early age, how can we think

these needs will disappear with time? They will not disappear. They will only be submerged if we, as adoptive parents, "panic" when questions like these are asked and the subconscious message goes out to the child: DON'T TALK ABOUT ADOPTION!!!

I will attempt to address the arguments against open records. I have no worry that my children might attach themselves to their new-found birth family if their search should be fruitful (when they are adults). I am secure in the relationship I have with my sons and know that they will always be my sons. But children are not children forever. They develop separate interests, form separate relationships apart from their relationship with their parents. If they marry, they develop a relationship with their in-laws that involves a type of parent-child role. If their search for birth parents leads to such a relationship, their lives will be richer, mine will not be poorer. I know I hear my young children's voices "grown-up" when I hear my adult adoptee friends say "We don't want other parents. We have parents: you, our adoptive parents, will always be our parents."

I feel that there will always be people who want to adopt and there will always be children available for adoption. The type of child available for adoption may change. Healthy Caucasian infants may become less available as they already have with increased birth control and more acceptance of single parents.

Adopting parents will have to adjust to these changes. It is a difficult blow to accept infertility and then another difficult blow to realize that one cannot easily adopt a normal, healthy infant. I have been there and I know those days are awful days to live through. But life is not always fair and we must go on with our lives and adjust to what we cannot change. Birth mothers are not in the business of supplying babies to infertile couples. It is descipable to be opposed to open records in fear that less birth mothers will release children (due to fear of being found). Again, I must repeat: birth mothers are not in the business of supplying children to infertile couples. The number of children available today, tomorrow, or yesterday cannot be a factor in the question of open records.

Adequate medical histories stop at the time of adoption. Most birth parents are under the age of 30 and have not developed serious medical problems. I think it is important for my children to know if cancer , diabetes, or heart disease has developed in their birth parents.

Much has been said about birth parents right to privacy (which, in fact, many have been guarenteed). While I sympathize with those parents who do not wish any contact with their birth children, I do feel the needs of the adult adoptee must supercede the birth parents right to privacy. These people made the very brave

decision to give birth to a human being, and another very brave decision to place that person with another family. Do they not owe that person that they created just a small glimpse into his biological background? I feel that they do. Although I acknowledge that this is a very sensitive area, and that the possibility of pain exists, I feel that the most sensitive manner for contact to be handled is by direct contact between the adult adoptee and the birth parent. No adoptee wants to hurt his birth parents. They want and need the very same information that you and I take for granted every day of our lives. Oh, so that's who I look like! You, too, have curly hair! I wondered if you were a redhead! I didn't know twins ran in our family!

It doesn't boil down to heredity versus environment. I think we all agree that both heredity and environment make a person. Adoptees know the environment that shaped them. They have every right to also know, not hear about third hand, the heredity that shaped them.



Judith Ciurczak
6 Riverside Drive
Denville, N.J. 07834
December 9, 1981

MY TESTIMONY CONCERNING A.B. 2051
SUBMITTED BY: BARBARA HARRISON
2-01 BELLAIR AVENUE
FAIR LAWN, NEW JERSEY 07410

I believe that I represent a rather unique minority present at this public hearing on the open adoptions issue today, for I am both an adoptive mother and an adoptee. I mention adoptive mother first for the unique reason that I knew I was an adoptive mother before I knew that I was an adoptee.

I can look at this controversial issue from two sides of the adoption triangle, and give an unequivocal "YES" to the need for open adoption records.

I am one of the lucky ones; I was born in Pennsylvania. Our neighbor across the Delaware will issue an adult adoptee a copy of their original birth certificate, when accompanied by a simple letter of explanation and the small required fee. My fellow adoptees who were born in New Jersey are forbidden from even viewing this piece of paper by our present adoption law. This is discrimination based upon the state in which one is born.

Sealed records, as we have in New Jersey, are a relatively new concept--about fifty years ago states started to seal their adoption records to 'protect' adoptees. What are they protecting us from--ourselves, perhaps? That is ridiculous, we know we are adopted. Are they protecting us from our natural parents? That, too is an absurdity--we are adults and we realize that the circumstances of our births were a problem for our birth parents, or they would not have released us for adoption. Many of us were born out-of-wedlock and from mixed religious, ethnic, or racial unions. These kinds of facts are certainly no reason to withhold the truth in our present, progressive era.

My adoptive parents did not admit that I was adopted until I was almost twenty-eight years old. My father, the most wonderful influence on my life, took the secret to the grave with him because he did not want to hurt me. Was he afraid that I'd think he loved me any less because I was not blood kin? That is absurd, for his actions and attitudes proclaimed loudly that I was the most important person in his life. I believe he did not tell me the truth because this "keep it in the closet" attitude of our adoption laws led him to think complete secrecy was the right thing.

I have had the extreme good fortune of locating both my natural mother and natural father, even though my father is currently serving our country thousands of miles away. Both of these experiences have deeply enriched my life, my husband and daughter's lives, and the lives of my natural parents and their respective families. It has relieved tremendous anxieties that my natural mother felt over the years. It has given my natural father a whole new perspective--previous to last month, he was unaware that he had any natural children, and he was thrilled to learn of my existence.

I am aware that some adoptees may not find the open arms and loving hearts that I found at the end of my adoption search. However, please let them make the choice as to whether they wish to take the risk of finding either acceptance or rejection. Whenever anyone enters into an interpersonal relationship with an individual--it could be a spouse, a lover, a friend, or a co-worker--they run the risk of either being accepted or rejected by the person with whom they wish to establish some kind of relationship. All the adoptees here today are asking for is the RIGHT TO BE ALLOWED TO CHOOSE WHETHER OR NOT THEY WANT TO TAKE THAT RISK. Some may choose not to try, others may desire it, but, please, lawmakers of New Jersey, LET IT BE THE ADOPTEE'S CHOICE.

Since I am also an adoptive mother, I also have an open statement which I would like to address to this body and to any adoptive parents who are worried about A.B. 2051:

Don't you think our love and nurturing over the years is what really makes us "Mom" and "Dad"? Remember, all our children, whether born of our bodies or not, are only on loan to us for a few short years of eternity. We don't own our children; we have the privilege and duty of raising them to be decent human beings. We have not the right to deny any person biological information that could help them to better understand themselves. It is true that this issue makes adoptive parents uncomfortable at times; however, if the seeds of love were really firmly planted by us over the years, you know that any new-found biological roots will never take our place.

Thank you for taking the time to listen to me today. May your conscience, and the will of our Supreme Being, lead you to the appropriate course of action in this matter.

BARBARA HANNON
2-01 Bellair Avenue
Fair Lawn, N.J. 07410

The passage of Assembly Bill 2051 should proceed with all possible haste because it will correct an injustice of the past ~~sixty~~^{eighty} years.

As children, we are parties to a contract made over us. We are, and rightfully so, given no choice in the matter. But long after we have reached our majority, we are still treated as chattels: bound by a contract we did not make. We are told that we are adopted, but then we are told that we cannot seek any information about our past. Natural children, when they reach adulthood, can pursue their lives in any way they see fit. Adopted people are saddled with legal amnesia for the rest of their lives because others find the facts socially embarrassing or emotionally inconvenient. The consequences of this legal lying can have devastating effects on us. The greatest trauma a child can suffer is to be rejected by its mother. But we are not permitted to pursue reconciliation or forgiveness. In a country where everyone comes from different backgrounds and heritages, where people brag about ancestors from Italy or Germany or Ireland, we are told to be satisfied to come from an institution. At an age when many of us look forward to becoming grandparents, we feel isolated from the human continuum. History begins with us and it's a lonely feeling. If one of our children is afflicted with an illness or a

disability, we wonder if our genes are to blame and if we could have prevented it if we had been warned.

We are not searching for love from another set of parents. We are loved by the people who raised us and we love them in return. Nothing could destroy that love or it never existed in the first place. We are not seeking to destroy the happiness of a woman who "made a mistake" many years ago. We are sensitive to the sacrifice and emotional suffering that our natural parents must have endured to bring us into the world and then surrender us. We would cause them no more pain.

Perhaps 50 years ago, when life was less complex, this law may have made sense. But today, when the "pill" and abortion make it easy to treat life lightly, there is no disgrace in bearing a child and surrendering it to a good home. In an age of live-in lovers and easy divorces, there is no disgrace in taking another's child into your heart and home and providing it with the stability and love that should be its birthright. And there is no shame in being adopted. Why are we forced to live as though there is?

At the age of 44, I have voted in every election for the past 20 years. Recently, I was elected to the governing body of my municipality where I make laws that affect the lives of

6000 people. But ~~the~~ law treats me as incompetent to deal with information which affects my life and happiness. The United States Constitution guarantees all Americans the right to the pursuit of happiness--not just those citizens who happen to live with the people who bore them.

Please give the passage of A 2051 your prayerful consideration. We are seeking the truth about ourselves and it is "the truth that makes you free."

Thank you for you attention.

Respectfully,

Linda Kretschmer
46 Brook Way
Demarest, N.J. 07627
(201) 768-1990

TESTIMONY

to the

ASSEMBLY INSTITUTIONS, HEALTH
AND WELFARE COMMITTEE

George J. Otlowski, Chairman

on

Assembly Bill 2051
concerning adoption records

December 9, 1981

Submitted by:

Judy Richter
RR6 Ridge Road
Vincentown, New Jersey 08088

179x

Chairman Otlowski:

I submit this testimony as an adult adoptee first, and as a concerned human service professional second, with hopes that this committee will consider the role of honesty in the lives of approximately 660,000*New Jersey citizens who are potentially affected by A2051. The collective legal (260,000 adoptive parents*), biological (260,000 biological parents*), and sociological (130,000 adoptees*)implications are profound and some common ground among all participants and relationships must be sought.

I'd like to suggest to this committee that, in its deliberations, it can find no better framework on which to base a consistent adoption policy than honesty. While my personal circumstances have deeply affected my emotions on the subject, my professional sensibilities are similarly offended when anything less than truth is offered up to the public.

A2051 goes a long way towards helping government fulfill its fundamental responsibility of being honest with its citizens, and for that reason I support it. The intent here is neither to be sanctimonious about "the public trust", nor to oversimplify the issues involved by assuming A2051 will solve all the problems because it permits access to some truths by some people. The bill should be acknowledged and supported for what it is: a well-intentioned, long overdue attempt to assist society in responding intelligently and humanely to its own ever changing institutions.

*proportionate percentages derived from national statistics

In this continuing process of socialization, ~~in the~~ development of this legislation, and in its review and examination of testimony, this committee faces issues and questions as complex as any in this generation. Failure to pass A2051 now, or to confront these profound ethical questions now will only defer, not avoid, dealing with them at a later date. When one contemplates, for example, the ethics involved in drawing the family tree of emerging "test tube" babies, or when an attempt is made to define the potential parentage questions arising where as many as five or six human beings could claim "participation", the scope and dimensions of A2051 become clearer.

As our society and its institutions continue to grow and develop in the name of civilization, we must correspondingly develop the emotional and legal tolerance to adjust to these changes. The society which created existing adoption policy, and/or participated in its evolution, must now respond to the results of that policy in as consistent and honest a way as possible. A2051 is the first step towards such consistency and honesty, and not to pass it would be both foolish and irresponsible.

An honest adoption policy in this state is also the first step towards developing a consistent and honest attitude toward the family, and one that goes beyond those labels we all struggle with: adoptive parents, "real" parents, step families, extended families, etc. Clearly, as the comfortable and traditional "family" relationships we have grown used to begin to change, we must find truths and values which transcend those labels, which go beyond biology and chemistry, and which reflect that humanity that ^{we claim} distinguishes us from the rest of

that bio-chemical world.

Now, in the pursuit of such noble and lofty things as truth, honesty and humanity, it is similarly foolish and irresponsible to ignore the painful adjustment, the frustration and the unfair treatment which some people will endure in the process. Many of the constitutional debates in our recent history involve lengthy discussions on fundamental human rights and how to guarantee them for some, while not seriously abridging someone else's. This is both the beauty--and the agony--of our system. A2051 is another laudable example of that system in progress, and although it ultimately favors one group's rights over others, it attempts to balance those rights and the role of honesty is uppermost.

It is perhaps unfortunate that much of the testimony the committee will have available to it rests on the very personal (and sometimes anguished) cases of individual experiences exclusively. It is, however, unlikely that any clinical or scientific body of material on the subject can emerge in a continuing climate of hidden facts and closed records. The committee's judgements and decisions, therefore, should be based on that which will be most likely to endure the time test. At the risk of being repetitious, Mr. Chairman, that one value that holds up when yesterday's decisions are evaluated with the benefit of tomorrow's experiences, is honesty.

In closing, I would be less than honest or human myself if I did not allude to my own personal experiences in this area, although I have attempted to point out why A2051 should be supported in spite of, rather than because of individual experiences

It is probably my parents' respect of honesty in the long run that finds me submitting testimony in the first place. Perhaps I have been uncommonly fortunate to have grown up in a home where labels were not important, where skin color did not matter (can the committee really imagine an adult, interracial adoptee being denied the truth of his/her origins?), and above all, in a home where truth and honesty were valued. I believe my parents lived what many how-to "parenting" books try to describe: in the role of life-giver, and all its accompanying responsibilities, rights, privileges, and obligations, they projected (and instilled) a respect for honesty that was always consistent, always available, and could be counted upon. In a time of "palimony" and abortion and test tubes, what else can we count on?

TESTIMONY OF LISA POLLACK, WASHINGTON, N.J., TO THE ASSEMBLY
COMMITTEE OF INSTITUTIONS, HEALTH AND WELFARE IN SUPPORT OF
BILL 2051.

Adoption was established as a humanitarian system for parentless children. Unfortunately over the years it has deviated from the purpose of the welfare of children to the desires of adopter parents. Bill 2051 will aid in the rectification of this problem.

The key of Bill 2051 is the restoration of human and civil rights of adult adoptees. It does not challenge or destroy parental rights of adopted parents as many have tried to suggest who oppose this Bill. When a child is adopted a contract is signed by the adoptive and birth parent(s). The child, who is too young to participate, is bound by this contract, rightly so. However once the adoptee reaches the age of majority he is free to make his own decisions. Under the present law his right to make decisions is denied leaving him a virtual slave to a contract he never signed. With the approval of Bill 2051 the adoptee will regain his constitutional rights while not destroying parental rights. The adoptee will gain his civil rights through open records of his own origin.

I am an adoptee who was born Irish Catholic and raised Jewish. As you can see not everyone is "matched" as many people claim happen. I have two wonderful parents and have no desire to find anymore "parents". I desire to find my ancestors so I may fill the void within me and become a full person as you are. I have the support of my family because they are secure and loving people and not because the adoption papers regulated love, trust and security. My parents have also lived through trauma of medical diagnosis which is done without proper information. Even the doctors have become angry since they can only make an incomplete medical background. I nearly died from a penicillin allergy because of incomplete information. How many deaths or severe crippling has occurred from this lack of information? I do not have a number but I have a conscience and cannot sit back while this possibility of legal raining and murder exists.

Opening the records to adoptees in accordance with Bill 2051 does not mean every adoptee will remain claimed by many. Those who are interested, and not all will be, will be able to receive vital information. Once they have this information they may be very satisfied. Searching for a person is a long thought out process which does not always end in success. The majority of cases are successful but only after a very tedious time of searching. I have heard those who say why put yourself into a situation of pain and frustration? It is more painful and frustrating not knowing. Many have said what if there is an adoptee who will misuse this information? I do not guarantee that there will not be one rotten adoptee. Just as you cannot guarantee me there is not one rotten adopted parent. Should we scrap the system because of one rotten adoptee or one rotten adopted parent? When the president of the United States deceived the entire country did we scrap the Presidency?

No. We are dealing with people and not in every group there is a possibility of a rotten person. However if the principles and systems are good they will withstand abuse by an individual. The majority of adoptees and all people are sensitive and will not abuse the system.

I would like to bring to your attention one of the oldest precedents of an adoptee seeking identification. Years ago a young man discovered he was adopted and without any loss of love for his family sought his identity. This identity he discovered gave him insight into himself, insight into others and self confidence. He was favored by the Lord and gave us the foundation of our society--the 10 Commandments. By keeping records sealed how many Moses' have you destroyed? By supporting Bill 2051 and open records you may pave the way for an adopted individual to give a great contribution to society by giving him the identity he so rightly deserves.

As a human being and a adoptee who resides in New Jersey I do not ask but demand that you vote in favor of Bill 2051.

I feel so strongly about opening the adoption records, I am not adopted so my records were never sealed. It is taking me a year and seven months but I am not yet successful in finding all my family. I did find some of my family but I got a pretty bad rejection from them. I am not happy at all because of the rejection but I do feel much better for knowing of and about my family, and the reason for my rejection. If I didn't do this search all I would ever do is wonder and fantasize whereas now I know its' reality.

Mary Jane Burns
90 Mrs Edith Walsh
121 Leo Pl.
Lodi, N. J.

TESTIMONY
ASSEMBLY BILL 2051
CONCERNING ADOPTION RECORDS
December 9, 1981

Sandra Nairn
18 Seminary Avenue
Hopewell, N.J. 08525

Being adopted has a huge emotional impact on all persons involved in the process. But here, at this hearing, the question is legal, not emotional. In order to protect the blood parents of the child put up for adoption, who for whatever reasons decide to give away their own flesh and blood, I repeat, to protect these parents adoption records are sealed. The adopted child then has no avenues open for obtaining very basic information about his or her own self in areas of crucial importance in this day and age: heredity, medical and historical (geneological) facts are withheld from the adult adoptee, facts that any other person in this country is fully entitled to see and know.

The following are some questions which cannot be answered for the adoptee while records remain closed:

What diseases run in my family? Heart disease, high blood pressure, cancer, diabetes, etc.?

What is the average life span in my family?

Are there any hereditary diseases in my family or any genetic defects?

Do twins or multiple births run in my family?

Do any mental disorders run in my family?

What color hair did my parents have? Eyes? Height? Build?

What particular skills, talents or abilities run in my family?

What nationality am I?

What combination of races am I?

When did my family come to this country?

If I marry could my spouse be my cousin, or even my half or full brother or sister?

These questions are unanswerable for the adoptee; the right to answer is denied to adoptees. This is just a sample of the questions that any person, other than those adopted, in this state has the right

to see. But this same right is denied to adoptees. Not only does the adoptee have to accept the fact that he or she was given away by natural parents, a fact the very nature of which makes the adoptee different literally and emotionally from the rest of the population of this country, but now the adoptee has different rules regarding access to records containing very basic information that is totally taken for granted by other citizens. The adoptee has different rules within the legal system as it now stands. Isn't this a gross form of discrimination, as discriminatory as any other set of laws applying to only a limited segment of the populace? If a person in this country cannot be discriminated against because of race, religion or creed, why then is it legally condoned for adoptees to have different rights? I am adopted. Why don't I have as much of a right as a native-born citizen in the United States to have access to all records of my own life? The woman and man living across the street from me have access to this information, why don't I?

Agreed, the natural parents give up the child and wish their identities and any pertinent facts to be kept secret. But are these secrets worth the real risks faced by the adoptee in planning for the future with so many unknowns in his or her past? Adoptions are supposed to be for the good of the child, so that the child might have the opportunity of living a better life with adopted parents, better than might be possible with natural parents. But the laws, as they are now written, hurt that child as an adult by withholding necessary facts that link them to a past (nationality and geneology), to a family medical history and to genetic heritage. All of these facts are necessary for any human being to consciously plan for their future free of fears and doubts due to multitudes of unknowns. Access to these facts would allow adoptees the opportunity to be more equal members of the human race within the United States, persons with "roots" like everyone else.

Adoption records should be opened to adoptees. Adult adoptees should have legal access to their records as any other citizen would. Please do not ignore this issue. The principle here is very important even though a small segment of the populace is directly affected. Discrimination against anyone is undemocratic and against the ideals upheld in our Constitution.

Sandra Nairn

I am hereby expressing my opposition to Assembly Bill No. 2051 for the following reasons:

This bill proposes to retroactively open adoption records to adult adoptees without the consent of biological mothers. This mother may have placed her child for adoption based upon the assurance of confidentiality. She could then be faced with an undesired and unexpected reunion with someone who would intrude upon her present life and thereby possibly create much conflict and turmoil with her present family, who may not have known she many years ago gave a child up for adoption.

Without the security of this confidentiality, many biological mothers may opt for abortion as an alternative to adoption. When the United Kingdom passed similar legislation in 1975 the number of children placed for adoption dropped drastically from 21,299 to 12,121 in three years.

It upsets me very much that in this Bill the biological parent would have the right to instigate a search for the biological child through the placing agency. I believe this could cause the adoptee irreparable mental harm. Should the biological parents be allowed to reintroduce themselves into the life of the adoptee without regard to his or her preparation or desire for such reentry?

I also believe that qualified adoptive parents, able to provide outstanding family units for adoptive children, will decrease as their legal rights to establish lasting family units is removed.

Adoptive parents are held, by law, to abide by the agreements they contracted in the court hearing on adoption. Unless the biological parents' contracts are held equally binding, the entire process is invalidated. The biological PARENTS made their decision to give the child up for adoption. They should not be allowed to change their minds years later. Many of these biological mothers went to agencies for counseling at the time they were pregnant. The agency may have counseled them as to the best decision that could be made for all parties involved. However, they only counseled them, and it was totally the decision of the biological mother to give that child up for adoption.

Since the laws of adoption were changed in 1940 adoption has flourished to the benefit of all three parties involved. Every child needs a family, and adoption has provided loving mothers and fathers for many children for many, many years. Please protect this wonderful process of adoption.

M. V. Farrell

