

# Testimony On House Bill 162

PRESENTED TO  
THE HOUSE CHILDREN AND YOUTH  
COMMITTEE

by

*The Pennsylvania Catholic Conference*

*April 14, 2015*

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Good morning, Chairwoman Watson, Chairman Conklin, and members of the House Children and Youth Committee, I am Francis Viglietta, Director of the Social Concerns Department for the Pennsylvania Catholic Conference (PCC). Our conference represents all of the Catholic bishops of Pennsylvania in the public policy arena. With me today are Teresa McCormack, Esq. from the law firm of Ball, Murren and Connell, legal counsel to our conference, and Kelly Bolton, Program Director for Catholic Charities Adoption Services and Specialized Foster Care for the Diocese of Harrisburg. We appreciate the opportunity to testify in opposition to House Bill 162 which permits adoptees to obtain a copy of their original birth certificate without receiving the consent of birth parents.

To begin, permit me to give a brief overview. Our Catholic Charities/Social Services agencies in Pennsylvania have been involved in all aspects of adoption for decades. Our agencies have provided services to birth parents, adoptive parents and adoptees, including counseling, adoption training, adoptive placement and supervision, post adoption services, and adoption searches. We believe that our longstanding involvement in all aspects of the adoption process gives us the experience needed to work effectively with others in assuring that adoption proceedings in Pennsylvania are fair and compassionate for all those involved.

Over the years, PCC has worked to reform the Adoption Act in Pennsylvania. A great concern to many involved with adoption was the

difficulty that adoptees and birth parents had in searching for each other and in obtaining information. Therefore, PCC worked cooperatively with other organizations and legislators to revise the Adoption Act so that the adoption search process became easier and more responsive to the needs of the parties involved in adoption. As a result, Act 101 of 2010 was passed and signed into law by Governor Rendell. The law became effective on April 25, 2011.

Act 101 of 2010 reformed the adoption search process by creating a statewide, confidential, Information Registry for the receipt, filing and retention of medical and social history information for all adoptions finalized or registered in Pennsylvania. Act 101 streamlined the process by which information, identifying and non-identifying, is released by setting forth procedures and time periods within which a court or agency must provide available information. Act 101 expanded the category of those who may request information to include birth parents and other family members. Previously, only the adoptee could seek information. In addition, Act 101 improved the process by which adoptees and birth parents can file and request medical history information. Most importantly, Act 101 kept the intermediary system in place for the search for information, thus preventing the unilateral release of information. The intermediary system involves a trained court or agency representative who conducts the search for information. If a party to the adoption is not willing to release identifying information, that decision is honored by the representative and the party's privacy is protected.

House Bill 162 would give an adoptee a copy of the summary of the original birth record (what is commonly known as a birth certificate), with

the names of the birth parents, **whether or not the birth parents consent**. Under the current law, a birth parent can file a consent to release this information with the Department of Health, Vital Records Division. House Bill 162 would eliminate this carefully crafted safeguard and unilaterally release the identity of the birth parents.

Unlike similar bills introduced in the past, this session's version of House Bill 162 contains a provision that directs the Department of Health (DOH) to develop and make available upon request a "contact preference form" which allows the birth parent to state a preference regarding contact by an adoptee who is the birth child of the birth parent. The form provides three options – contact, contact through an intermediary or no contact. It must be noted, however, that House Bill 162 would still allow an adoptee to access his/her original birth certificate even if a birth parent specifically states on the contact preference form that she wishes "contact only through an intermediary" or "no contact at all". Nothing in House Bill 162 this session prohibits the DOH from providing an original certificate of birth even if the birth parent does not want this information released.

PCC continues to maintain that it is very important that an intermediary be available to help all parties involved in adoption work through the issues and strong feelings that arise during a search. Although many birth parents are not opposed to being located, there are some who may not be ready, and may never be ready, to deal again with the pain and emotions they experienced at the time they placed their child for adoption. For example, a birth parent may not have prepared her current family for revelation of a past adoption. Other birth parents may be mentally or emotionally unprepared to deal with the issues. Moreover, some birth

parents simply are not ready to meet their surrendered child when the adoptee is ready to search – for these birth parents, the timing is just not right. Thus, when confronted without warning or preparatory counseling, the relationship may get off to such a bad start that it has no chance of flourishing. The counseling provided by an experienced and trained intermediary is essential to address the needs of the many people involved in the adoption search process. The law was, we think, effectively revised in Act 101 so that the current law balances the needs of all those involved in the adoption. The current adoption law makes available as much information as possible without violating the privacy of the birth parents. Through careful deliberation, give and take, and evaluation, the current law, by virtue of Act 101, does not place the interests of one party to the adoption above the others. That recently developed policy should not be abandoned in favor of House Bill 162.

As stated previously, our conference's primary concern is that the interests of all parties involved in adoption proceedings - the adoptee, adoptive parents and the birth parents - are respected. We are keenly aware of the frustration, pain and even anger being felt by adoptees who want to identify their birth mothers. At the same time, however, our Catholic adoption agencies have assisted and continue to maintain contact with birth mothers, many of whom originally agreed to place their children for adoption with the understanding that their identities would not be revealed unless they freely chose to do so. Even after many years, several of these mothers still insist on having their identities kept private for various reasons.

A few months ago, I received a letter from a woman who had learned about House Bill 162 and wrote to express her opposition to the bill. She is a birth mother who had placed her child for adoption years ago but still does not want her name released – a concern that is probably shared by many birth parents who oppose the bill but who are not willing to give up their anonymity. Birth mothers seeking anonymity are not usually inclined to testify at public hearings or speak at press conferences in the Capitol. But if enacted, House Bill 162 would unilaterally ignore the wishes of the woman who wrote to me and other birth parents who share her concern. It would destroy the respect for confidentiality needed for some adoption procedures to be successful.

We have also received messages of support of PCC's position from adoptive parents. One wrote, "We are adoptive parents of two beautiful girls from open adoptions. We have insight into this process that the average person doesn't have. If the birth parent wants her identity kept private, this should be respected. Adoption is a brave choice. Please don't make it more difficult than it already is."

Recently, I was asked if House Bill 162 has any pro-life implications. I would be remiss if I did not address this issue today. Common sense tells us that a woman faced with the difficult decision of whether to place her child for adoption might also be more easily inclined to consider aborting the child if her desire to have her identity remain private was not protected. No, not all women would feel this way, but it is very realistic to assume that some would and this possibility must be factored in when deciding on a bill like House Bill 162. During discussions with our Catholic social service directors and staff, I was told about two women. Tragically, these women

had been victims of rape. They became pregnant. They went to our agencies for assistance and counseling and eventually both decided to carry their babies to term and then place them for adoption. However, both of these courageous women agreed to place their babies for adoption **only if their identities would remain private** so that the children conceived of a barbaric rape could live a good life and the birth mother would never be forced to face the possibility of having to revisit a horrific moment in her life. Indeed, given the circumstances, the Pennsylvania Catholic Conference recognizes that the essential need for confidentiality expressed by these women is legitimate and compelling. House Bill 162 would negate their requests for privacy and confidentiality.

In Pennsylvania, the DOH prepares and distributes annually a comprehensive report on abortion. This report includes data such as the predominant age group of woman obtaining abortions, a breakdown of abortions by county and the type of abortion procedures used, to name a few. But nowhere is there information about why a woman chose to abort her child. In view of this, how can Pennsylvania or even other states prepare and distribute accurate data on why women choose to abort? Some have said that the number of abortions has decreased in those states that have enacted laws like House Bill 162. I am not questioning that abortions are down in these states, but I do question that this is a result (partially or fully) of enacting laws providing adoptees with unrestricted access to adoption records, or that these laws had no effect on the abortion rates. We simply cannot know for sure. Regardless, even if it was demonstrated conclusively that there was absolutely no connection between House Bill 162 and abortion rates, the Pennsylvania Catholic Conference would still oppose the legislation in support of those birth

mothers who desire anonymity. That is our primary reason for opposing House Bill 162. Thank you for permitting me to provide a clarification on this aspect of the bill.

Finally, today the Pennsylvania Catholic Conference is speaking in opposition to a bill giving adoptees unilateral access to identifying information about their birth mothers without the consent of these mothers. But I should note also that if legislation was introduced shifting the balance in adoption proceedings to favor birth mothers or adoptive parents and, in so doing, ignore the concerns and rights of the adoptees, our conference would speak out in opposition to such legislation as well because the rights of one of the parties involved in adoption proceedings would be violated. This is just a hypothetical situation, but I am sure you understand the point being made. Respecting the wishes of all those involved is key to a successful and productive adoption process and we feel that Act 101 helps to accomplish this purpose. If Act 101 needs to be refined further let us all work together for this purpose. But simply discarding this relatively new law, as House Bill 162 would do, is not the way to go.

For the reasons stated previously, the Pennsylvania Catholic Conference urges you to oppose House Bill 162.

Thank you for your consideration.