

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

CHILDREN AND YOUTH COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

MAIN CAPITOL BUILDING
ROOM 60 EAST WING

TUESDAY, APRIL 14, 2015
9:05 A.M.

PRESENTATION ON
HOUSE BILL 162
ORIGINAL BIRTH CERTIFICATES

BEFORE:

HONORABLE KEITH GREINER
HONORABLE FRED KELLER
HONORABLE HARRY LEWIS, JR.
HONORABLE DAVID MALONEY
HONORABLE BRETT MILLER
HONORABLE DAN MOUL
HONORABLE DAVID PARKER
HONORABLE KRISTIN PHILLIPS-HILL
HONORABLE JACK RADER, JR.
HONORABLE RICK SACCONI
HONORABLE JAMES SANTORA
HONORABLE TARAH TOOHL
HONORABLE SCOTT CONKLIN, DEMOCRATIC CHAIRMAN
HONORABLE LESLIE ACOSTA
HONORABLE MICHELLE BROWNLEE
HONORABLE PAMELA DELISSIO
HONORABLE PATTY KIM
HONORABLE STEPHEN MCCARTER
HONORABLE DAN MILLER
HONORABLE ADAM RAVENSTAHL
HONORABLE MARK ROZZI

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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

ALSO IN ATTENDANCE:

HONORABLE KERRY BENNINGHOFF

COMMITTEE STAFF PRESENT:

GREGORY GRASA

MAJORITY EXECUTIVE DIRECTOR

MEREDITH SCHULER

MAJORITY LEGISLATIVE ADMINISTRATIVE ASSISTANT

DONTIE BROOKS

MAJORITY RESEARCH ASSISTANT

PHILIP E. FALVO

DEMOCRATIC EXECUTIVE DIRECTOR

JAMES MOSER

DEMOCRATIC LEGISLATIVE ASSISTANT

VALERIE WHITNEY

DEMOCRATIC RESEARCH ANALYST

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SUBMITTED WRITTEN TESTIMONY

* * *

(See submitted written testimony and handouts online.)

1 P R O C E E D I N G S

2 * * *

3 REPRESENTATIVE MOUL: If I can remind all those
4 that are testifying today that we are on a strict time
5 schedule, and if you can keep your comments under 10
6 minutes, it would certainly be appreciated. We are going
7 to go ahead and hear testimony from all the testifiers
8 first and then ask questions at the end. So if you could
9 stick around to answer any questions from our fellow
10 Members, it would certainly be appreciated.

11 And without further ado, I'd like to introduce
12 Representative Kerry Benninghoff, who is the prime sponsor
13 of House Bill 162. You may please proceed.

14 REPRESENTATIVE BENNINGHOFF: Thank you,
15 Mr. Chairman, both you, Representative Conklin,
16 Representative Moul. I want to thank you very much and the
17 Committee for having us before you today to discuss a very
18 important issue I believe for citizens of Pennsylvania and
19 those who were born in Pennsylvania that live amongst our
20 other neighboring States and wait anxiously to see whether
21 or not we will move on some of the other States that will
22 open up original birth certificates, as they had been up
23 until 1984.

24 Before I begin my formal comments, I also want to
25 thank Chairwoman Watson. As you know, she's been pretty

1 ill recently but she even took time to call me yesterday
2 when she was not feeling very well to express her
3 unwavering support for this. Representative Watson, like
4 myself, is also an adoptee and she is the mother of an
5 adoptee and brings a very unique perspective to this
6 dialogue, as she knows the blessing of being an adoptive
7 mother to a great child.

8 Today, you're being asked to consider whether or
9 not Pennsylvania should unseal the original birth
10 certificate and allow what each one of you can do, and that
11 is to file a form, pay your \$20, and get a copy of your
12 original birth certificate. I find a great irony in 2015
13 when those of us in government require people to provide
14 original birth certificates to substantiate that they are
15 who they are to get a passport, that there is a segment of
16 us who cannot get that. It makes no sense to me.

17 With the invention of something called the
18 internet, people are finding their loved ones all over the
19 world. House Bill 162 is not necessarily about trying to
20 reunite people, but the reality is there are as many birth
21 mothers trying to find their children as there are children
22 trying to find their mother. House Bill 162 has to do
23 fundamentally with are we going to be as a State fair to
24 all our citizens that are born in our State to say that all
25 of you can have a copy of your original birth certificate.

1 Now, you will hear other people testify today
2 that this could possibly cause more abortion. Well, the
3 reality is, as an adoptee myself, an adult whose mother
4 chose for whatever reason to put me up for adoption, I
5 realize the importance of that decision and I honor her for
6 that and I honor that she chose to put me up for adoption.
7 And I honor my father and my mother who chose to adopt me
8 along with four other children. The reality is that State
9 after State after State who has done this have not seen
10 their abortion rates go up.

11 We cannot be governed under fear and the what-ifs
12 that some will try to say to you. The reality is the State
13 of Alaska and I believe Hawaii is the other one who has
14 never sealed their birth certificates have very low
15 abortion rates. And my trusty assistant corrected me, the
16 State of Kansas. I do owe to Amy Noel to recognize her.
17 She has supplied you with a lot of information. She has
18 been wonderful on this issue.

19 There are many things I could say about this, but
20 I would ask you to think about your own children. I am
21 blessed now with a grandchild, and for three generations of
22 my family when I, my daughter, or my grandchild go to the
23 doctor and fill out medical history, which is one of the
24 greatest guiding tools for physicians and clinicians to try
25 to treat people is your medical history. We write down

1 N/A, N/A, N/A, and for years I used to write down N/A
2 meaning non-applicable, and once I had a child I thought
3 wait a minute; my medical history, my background is
4 applicable, just like it is for many of these people
5 sitting behind me.

6 Many people sitting behind me are adoptees
7 themselves and they anxiously await to not have to put down
8 that their background, their medical information, their
9 very existence isn't applicable anymore. So I used to
10 write down "not available." And I like to write "not
11 available because my government won't let me have it."

12 The reality is until 1984, and Representative
13 Watson and I have talked about this, we could have gotten
14 those birth records. In 1984 I was barely in my 20s. I
15 didn't think about my original birth certificate, and
16 therefore, they got sealed and I wasn't able to have access
17 to them. If this was 1983, you and I wouldn't be having
18 this discussion. But some other legislator at one time
19 decided that they would codify the birth certificates along
20 with the birth records and seal them.

21 The reality is it is not 1984 anymore. We have
22 these things called cell phones. We have lots of modern
23 technology. When I worked in a hospital in those days, the
24 only x-ray really we had was cross-table and flat-plate x-
25 rays. Now we have these things called CAT scans, MRIs. We

1 provide tremendous ability to our citizenry through our
2 technology and our knowledge to help people live healthy
3 lives. Why would we not want to have that other tool?

4 You may not realize, but the large majority of
5 adoptions are within families. The second-largest group of
6 adoptees is through Children and Youth where people in both
7 situations already know their identity or the identity of
8 the family from whence they came. And the third-largest
9 group of adoptees in Pennsylvania are adoptions within
10 adoption arrangements, adoption arrangements where people
11 already have a relationship.

12 One of your future testifiers I believe at the
13 Catholic Conference last year said that most adoptions
14 today, over 95 percent are open. People know who the child
15 was born to and there's a relationship between adoptive
16 mother and the natural birth mother. It begs to ask the
17 question if part of the reason to not do this is to protect
18 the identity of the mother, why is it not problematic in
19 the 95 percent of these cases? Why was it not problematic
20 before 1984?

21 You will have other people talk about the fact
22 that we need intermediaries to do this if indeed we decide
23 to open these records. Well, the reality is we set the age
24 at 19 so those young adults who are 18 years and still in
25 high school, we can let them get through school, get their

1 education and not be problematic trying to work on this
2 other issue. But the reality is at 18, 19 years old, we
3 can have you join the military. We can send you to
4 countries, far-off lands to fight for other people's
5 freedom and rights, but yet return back to your own country
6 and have the government tell you you can't have a copy of
7 your original birth certificate. That makes no sense.

8 So for those of us who did not act before 1984
9 and those of us who were born prior to people having open
10 relationships or open adoptions, there's a small, somewhat
11 shrinking group of individuals who cannot have the equal
12 access that all of you have. The reality is in many of our
13 cases -- I'm 53 years old. My parents have passed away.
14 I'm respectful to my natural-born parent obviously. This
15 is not about going and knocking on their doors.

16 House Bill 162 is not going to escalate that
17 because the reality, today's young people are smart enough
18 that they can figure this stuff out on the internet. We
19 have children who sit in classroom in the science classes
20 and told about parents with different eye colors and they
21 realize that certain combinations don't equal their eye
22 color and they all of a sudden realize that something's
23 different. The reality is this is about fairness. Why
24 should any one group of people be treated different than
25 others?

1 Statistically, and we've provided information so
2 I won't belabor it, we can show in other States that have
3 done this. The reality is the majority of those who have
4 done this have open arms about wanting to know their back-
5 ground. There have been very few people who have asked
6 that they not be contacted, but with that in mind and
7 cognizant of the dialogue we had here in the Senate last
8 year, we put a provision in this legislation different than
9 last year called a contact preference, that a person's file
10 would be marked if a parent chooses one or another that
11 does not want contact subsequent of a child being provided
12 their original birth certificate, that the child would have
13 to honor that, no different than a PFA or any other
14 protective order. And if we're talking about an adult
15 child, if an adult child were to choose to not abide by
16 that, obviously the same laws for stalking, harassment, or
17 whatever else would come into play.

18 There's many things I could go on to but I won't.
19 I would just ask you to think about this if it was you. We
20 have put a booklet together which I think speaks for
21 itself. It's called "Who Am I?" This is an age-old
22 question. Who am I? From whence did I come? What is my
23 ethnic background? Who are my parents? I frankly don't
24 think that's that much to ask and I don't think in this day
25 and age the government should be keeping us from that. And

1 more importantly, if it was that important, then why don't
2 we seal it for everybody? But it's not right that we seal
3 it for a certain segment of our population. You people are
4 very bright. I think you will see, and I will quote
5 Representative Bishop, former Chairwoman of this Committee
6 last year, because I thought she said it very elegantly and
7 very simple. "It's a bill whose time has come and I think
8 we owe it to all Pennsylvania-born citizens to have the
9 same equal rights."

10 Mr. Chairman, both of you, I appreciate your
11 time. I appreciate Representative Watson, the staff, and
12 all the work you've done, and we look forward to helping
13 Pennsylvania adoptees have the same right that everyone
14 else in this room, in this capital, and in this State have.
15 Thank you very much for your time.

16 REPRESENTATIVE MOUL: Thank you, Representative
17 Benninghoff.

18 As I stated earlier, we're going to do questions
19 at the end. Will you be able to possibly slide back here
20 near --

21 REPRESENTATIVE BENNINGHOFF: I will do my best to
22 do that, sir.

23 REPRESENTATIVE MOUL: -- the end of this hearing?

24 REPRESENTATIVE BENNINGHOFF: Thank you.

25 REPRESENTATIVE MOUL: Okay. Thank you.

1 Next, we will hear from Carolyn Hoard with the
2 American Adoption Congress.

3 MS. HOARD: Sorry, I'm getting older and my back
4 and my legs don't hold me like they used to.

5 REPRESENTATIVE MOUL: No apologies necessary.
6 Thank you for being here and welcome, and you may begin
7 when you're ready.

8 MS. HOARD: Representative Moul, Representative
9 Conklin, Members of the Committee, thank you for the
10 opportunity to speak to you today in support of House Bill
11 162.

12 REPRESENTATIVE MOUL: Can you pull the microphone
13 just a little closer, please?

14 MS. HOARD: My name is Carolyn Hoard. I was born
15 in Delaware County and now reside in Chester County. I've
16 been a member of the American Adoption Congress since 1998,
17 a past President of the organization, and a member of its
18 Legislation Committee. I'm the mother of five sons and
19 daughters, only one of whom does not have his original
20 birth certificate because I'm a mother who placed my son
21 for adoption in 1964.

22 Despite the fact that I shamed my family by
23 having a child out of wedlock, moved a thousand miles away
24 so the neighbors wouldn't learn about my pregnancy, and
25 gave away my own child, I have my original birth

1 certificate from Harrisburg. My son, who did not choose to
2 be born or choose to be given away, who did nothing wrong
3 other than to be born to an unwed mother, is treated
4 differently than his siblings. Of my five children, he is
5 the only one who does not have a copy of his original birth
6 certificate simply because he is adopted.

7 My son was born in Florida, another sealed-
8 records State. But had he been born in Pennsylvania, the
9 result would have been the same; he would have been denied
10 access to his own birth certificate. Despite his requests
11 to Catholic Social Services, the Division of Vital Records,
12 and the court in Palm Beach County, Florida, my son passed
13 away at the age of 37 without ever having received his
14 original birth certificate. Pennsylvania-born adoptees
15 pass away day in and day out without ever seeing their
16 original birth certificate.

17 I'd like to talk about two issues as they relate
18 to House Bill 162. The first is Adoption Act 101 which
19 took effect in April 2011. Under Act 101 individuals may
20 request non-identifying and identifying information from
21 the Pennsylvania Adoption Information Registry, better
22 known as PAIR. While this is a noble goal, the fact is
23 that PAIR has only had 15 successful matches of birth
24 parent and adoptee in four years.

25 If there is no matching information in the PAIR

1 database, the requester, typically an adoptee, must go to
2 the agency that managed the adoption or the court that
3 finalized the adoption. If the court or the agency is
4 unknown to the adoptee, he or she must first contact the
5 Pennsylvania Division of Vital Records for the information,
6 then on to the appropriate agency or court. In addition,
7 Act 101 does not allow the release of the original birth
8 certificate itself, only a summary.

9 Based on surveys conducted and the stories in the
10 "Who Am I?" booklet you each received from Representative
11 Benninghoff, we know that adoptees are being charged a
12 variety of costs depending on the type of information they
13 are seeking. For example, Catholic Charities in
14 Philadelphia charges up to \$500; Catholic Charities in
15 Pittsburgh, \$400; Children's Home Society in Pittsburgh,
16 \$400. Orphans' Courts throughout the Commonwealth charge a
17 minimum of \$25 for non-identifying information in Centre
18 County to \$750 for identifying information in Butler,
19 despite the fact that Act 101 states "reasonable fees" may
20 be charged.

21 Remember that you and I and everyone at this
22 table born in Pennsylvania, except for Representatives
23 Watson and Benninghoff and the adoptee testifiers, can get
24 their information from Vital Records for just \$20. I ask
25 each of you to stand in the shoes of that adoptee when a

1 state employee at Vital Records looks at his or her
2 information and tells her she cannot see it. What about
3 the social worker at the agency, the court personnel, the
4 hospital staff, all of whom know the identity of your birth
5 parent? So much for confidentiality when each of these
6 people, and how many others, knows the identity of the
7 woman who gave you life. Yet you are told you cannot have
8 it, that you must come up with several hundred dollars
9 simply to learn who you were at birth.

10 If an adoptee wants only medical information,
11 PAIR can only release what it may have on file. If there
12 is no medical information, the adoptee must go through the
13 same exhaustive and costly process as above so that the
14 birth parent can be contacted for medical information.

15 The second issue of concern is the myth of
16 confidentiality allegedly promised to birth mothers, and
17 myth it is. Opponents of this bill will tell you that
18 birth parents were promised confidentiality when they
19 signed the relinquishment papers. This is not true. There
20 is nothing in the relinquishment papers signed by birth
21 parents that promised us confidentiality from our sons and
22 daughters.

23 You will hear that this so-called promise was
24 "implied," not made part of the written legal papers.
25 There is no other contract one could enter into where you

1 could rely on an "implied" guarantee of what is in the
2 contract. For a provision to be valid, it must be in
3 writing. Such was not the case in relinquishment papers.
4 I can tell you personally that when I was signing the
5 Catholic Social Services consent forms, no promise of
6 confidentiality was ever made, nor did my son finding me in
7 20 years ever enter my mind.

8 Title 23, Chapter 27 of the Pennsylvania Code
9 requires that the consent signed by a birth parent of a
10 child to be adopted contains this statement: "I understand
11 that by signing this consent, I indicate my intent to
12 permanently give up all rights to this child." A
13 relinquishing parent is divested of all rights upon the
14 signing of the consent. By giving up "all rights," one can
15 assume that those rights include giving up any right to
16 privacy or confidentiality she may have thought she had. I
17 challenge anyone here today who opposes this bill to
18 produce one document wherein a birth mother was legally
19 promised confidentiality in writing.

20 If a mother relinquishes her child but that child
21 is never adopted, the birth certificate is never sealed.
22 How does that protect the mother's privacy? Additionally,
23 court decisions in Tennessee and Oregon have ruled that
24 there was never an absolute guarantee of birth parent
25 confidentiality in any adoption. Since Delaware and

1 Tennessee changed their law in 1999 up to 2012 when Rhode
2 Island did so, over 33,000 adult adoptees across the
3 country have received their original birth certificates.
4 We are not aware of any negative effect this has had on the
5 lives of birth family members.

6 On February 26, 2014, Carla Crane from Oregon
7 wrote "The result of passing adoption reform in Oregon has
8 not been a realization of the fears expressed by a few, but
9 rather a greater understanding of the benefits of, and
10 support for, the access to adoption information."

11 Before 1984 when the law changed, all
12 Pennsylvania-born adoptees could apply for and receive
13 their original birth certificate. To our knowledge, no
14 catastrophes occurred prior to 1984. Between 1984 and the
15 effective date of the law in 1985, hundreds of adoptees and
16 adoptive parents applied for and received original birth
17 certificates. Again, the sky didn't fall. No information
18 was released to the general public. Only the adoptee
19 received his or her original birth certificate, a simple
20 piece of paper to which he or she should be entitled.

21 But in 1984 a Pennsylvania legislator convinced
22 the General Assembly that pregnant women would opt to have
23 an abortion if they thought their son or daughter could
24 search for them 21 years hence. His argument has been
25 proven to be untrue in the States that have allowed access.

1 In 2011 the Guttmacher Institute of New York
2 issued its report on abortion data. Six States passed
3 access legislation between 1999 and 2009. In five of those
4 States, abortions have decreased since passage of access
5 laws. In Alaska and Kansas, where records have always been
6 available, abortion rates are well below the national
7 average. There is simply no evidence to the opponents'
8 claim that allowing adopted adults to obtain their original
9 birth certificate will lead to increased abortions.

10 For those who are concerned about birth parents
11 being contacted against their will, the Contact Preference
12 form in House Bill 162 addresses this issue. Also,
13 Pennsylvania has sufficient laws in place to protect all of
14 its citizens from unwanted contact.

15 House Bill 162 is not about search. House Bill
16 162 is about an adoptee having the right to one piece of
17 paper only, the original birth certificate. The adopted
18 person's need to receive his or her original birth
19 certificate does not reflect negatively on their adoptive
20 parent; it is simply a desire to know who they were at
21 birth, what nationality they really are, what name they
22 received at birth. It is a basic human need and one which
23 the Commonwealth of PA has denied them since 1985.

24 The original birth certificate is considered a
25 legal document, a snapshot of the beginning of the person's

1 history. It belongs to the adopted person. As a birth
2 parent who placed a son for adoption, I support 162 and I
3 urge you to do the same. It's time to give Representative
4 Benninghoff and Representative Watson and all adopted
5 persons the same civil right each of us enjoys: the right
6 to know who they are.

7 Thank you.

8 REPRESENTATIVE MOUL: Thank you, Ms. Hoard. Very
9 well done. And we could hear you very well.

10 MS. HOARD: Good. Thank you.

11 REPRESENTATIVE MOUL: I'd like to now welcome
12 Helen Blair Schuler. She's an Administrator with the
13 Montgomery County Orphans' Court. Ms. Schuler has nearly
14 30 years of experience in adoption search and reunification
15 services.

16 Good morning, Ms. Schuler.

17 MS. SCHULER: Good morning. Thank you so much.

18 REPRESENTATIVE MOUL: You may proceed when you're
19 ready.

20 MS. SCHULER: Good morning, Chairman Moul,
21 Chairman Conklin, and Members of the House Children and
22 Youth Committee. Thank you for the opportunity to provide
23 testimony on House Bill 162, access to original birth
24 certificates.

25 I am Helen Blair Schuler, Administrator of

1 Montgomery County Orphans' Court Services. My background
2 includes providing services in this area of adoption for
3 over 30 years, initially as a county children and youth
4 adoption supervisor, and since 1992, as an Orphans' Court
5 Administrator. I am neither an adoptee, a birth parent of
6 a child relinquished for adoption, nor an adoptive parent.
7 I consider myself to be an advocate for all parties to
8 adoption. I had the privilege to serve on the Joint State
9 Government Commission Advisory Committee on Adoption Law as
10 Chair of Search and Information Subcommittee. I believe in
11 and support openness in adoption.

12 Releasing a birth parent's identifying
13 information is highly sensitive, and doing so without their
14 consent will have profound consequences. I make that
15 statement based on my years of experience providing search
16 services. On the surface, House Bill 162 may appear to
17 make small changes to the adoption statute and
18 responsibilities of the Department of Health but it has
19 tremendous implications, and for that reason alone, it is
20 important for you, the Members of the Committee, to be
21 fully informed in order to understand its ramifications.

22 It is my hope today to provide information to
23 increase your awareness and answer any questions you may
24 have about current practice in Pennsylvania to assist
25 adopted individuals and their birth family members to

1 access information from adoption records. I will also
2 suggest solutions to some of the concerns I have with House
3 Bill 162. And as you will learn from my testimony, my
4 suggested changes are intended to support continued
5 openness and minimize barriers.

6 For many adoptees, the lack of birth family
7 medical history is a real concern, and for some
8 individuals, having this information is crucial. We all
9 agree on having our medical history. It's misleading to
10 link the releasing of the original birth certificate of
11 adopted individuals with obtaining their medical history.
12 Releasing the original birth certificate in and of itself
13 does not provide medical information. Releasing the
14 original birth certificate will give the names of birth
15 parents not medical information. The only way to obtain
16 updated birth family medical history is to make contact
17 with the birth family. Pennsylvania's adoption statute
18 addresses this need for information and has a process
19 already in place.

20 If House Bill 162 is passed and identities are
21 released without consents, I have grave concerns about how
22 this information will be used and how birth parents will be
23 contacted.

24 The language in House Bill 162 includes contact
25 preference provisions but does not address how birth

1 parents will be notified. The bill does not provide a
2 provision to notify birth parents. How will birth parents,
3 many of whom relinquished their parental rights many years
4 ago, be aware of this change in the law? This is not just
5 a change in the law, it is a complete shift in how birth
6 parents' identities will be released.

7 I have heard the argument through the years that
8 there is no written evidence on any legal document that
9 birth parents were guaranteed anonymity. Whether it was
10 written or not it was always definitely implied that birth
11 parents' identities would remain a secret, whether by
12 agencies, family members, lawyers, doctors, and the court.
13 That is one reason among many that adoption was shrouded in
14 secrecy.

15 As an adoption professional, I understand how
16 important openness is and that secrecy in adoption has been
17 harmful. The birth parents, who may wish to remain
18 anonymous, are unrepresented in this debate. Giving the
19 birth parent the ability to make an informed choice is
20 crucial. In order to file a contact preference they must
21 know about it. Legislation enacted in 1984, which
22 continues to be in effect to this day, permits a birth
23 parent, who gave birth in Pennsylvania and made a plan of
24 adoption for their child, the ability to file a consent
25 with the Department of Health to permit the release of

1 their name and address to an adoptee or adoptive
2 parent/guardian of a minor adoptee.

3 Currently, adoptees at age 18 are permitted
4 access to their biological parent's identifying information
5 on the original birth record providing a Biological Parent
6 Registration form is on file with Department of Health.
7 For those birth parents who are in agreement with having
8 their identity released via the noncertified copy of the
9 original birth record, the responsibility for authorizing
10 the release must be on them. The onus to file an
11 authorization to release their identity should fall on the
12 birth parent who wants their identifying information
13 available to the adoptee. To expect birth parents who
14 relinquished their parental rights years ago to follow
15 Pennsylvania's changes to the adoption statute is neither
16 reasonable nor realistic. For years both sets of parents,
17 birth and adoptive, were explicitly or implicitly promised
18 anonymity by agencies and courts.

19 The current version of House Bill 162 proposes a
20 birth parent file a denial of release of original birth
21 certificate. It's not realistic to put the burden on the
22 birth parent who most likely will not be aware of this
23 responsibility or the potential to have their identifying
24 information released unless they file certain forms.
25 Again, the birth parent who wants their identity on the

1 original birth record released should be the one to file
2 the appropriate authorization.

3 A proposed solution for birth parents who are not
4 aware of their current right would be to propose
5 legislation directing the Department of Health to mount a
6 widespread campaign on various platforms to promote this
7 right permitting the release of their identity. There are
8 many adoption rights advocates, some of whom are present
9 today, who can make it their mission to spread the word
10 throughout the community. Respectfully, House Bill 162 is
11 directly contrary to and explicitly undermines the
12 extensive legislative procedures adopted as part of Act 101
13 of 2010 amending the Adoption Act, which provided for
14 review of requests for release of both non-identifying
15 medical and social history information and identifying
16 information of birth family members.

17 The Pennsylvania Legislature has a long history
18 of examining adoption issues and carefully considering the
19 positions of all the parties involved. The most recent
20 amendments to the Adoption Act became effective in April of
21 2011 that reflects the thoughtful deliberations that
22 expanded the process. A mechanism is in place for the
23 release of either identifying or non-identifying
24 information about birth family members, based on the
25 considerations of the consent of the parties.

1 Sections 2932 and 2933 of the Adoption Act, which
2 I've included in the packet, outlines the process and
3 provides time deadlines by which certain actions must be
4 completed by courts and agencies. Act 101 of 2010 requires
5 searches be conducted by and contact made with adoptees and
6 birth family members by an authorized representative, one
7 who is specifically trained in providing these complicated
8 and emotionally delicate services. To date, over 377
9 individuals have received the training to provide services
10 as an authorized Representative.

11 Since 1984, I have provided services on behalf of
12 adopted individuals seeking information from and contact
13 with their birth parents. In my professional experience,
14 the majority of birth parents contacted are willing to give
15 medical information and often agree to some type of
16 contact, if not choosing outright to release their
17 identifying information. There are also birth parents,
18 though particularly birth mothers, who chose not to release
19 their identifying information.

20 Some of these women prefer not to release their
21 identity because of serious abuse or the pregnancy resulted
22 from rape. They express an understanding of the adopted
23 individual's interest in meeting but due to the
24 circumstances, it is too painful for them to agree to
25 contact. Other birth parents choose not to release their

1 identity for a variety of reasons. Frequently, birth
2 parents express that they were assured anonymity or explain
3 that they made their decision not to parent and do not want
4 their identity released for fear of the impact on their
5 lives if the information was released.

6 This proposal makes no provisions for any court
7 review to determine whether there are dangerous or negative
8 circumstances, including possibly danger to the adoptee or
9 danger to one of the birth parents, that should be
10 considered before releasing the identifying information
11 about birth parents without their consent.

12 A review of the testimony from previous hearings
13 before this Committee on this matter offers a glimpse of
14 the emotional impact of being adopted and explains the need
15 some adoptees have to search for birth family members.
16 While those issues are certainly present for many people
17 separated by adoption, House Bill 162 does not appear to
18 address them.

19 To respond to the "fairness" argument advanced by
20 some supporters of this bill, under current law, following
21 an adoption, a new and official birth certificate is issued
22 for an adoptee naming the adoptive parents as the parents.
23 The adoptee has an absolute right to obtain this official
24 record, equal in every way and for all purposes to the
25 rights of all others, to obtain their official birth

1 record. The only difference under the current law is that
2 the original birth record contains the information
3 regarding identity of birth parents.

4 I suggest changing the current statute to provide
5 for the release of the identity of a deceased birth parent
6 and include the time of birth on the summary of the
7 original birth record.

8 Additionally, another suggestion to promote
9 openness is amending the statute to include language
10 addressing instances where, despite reasonable efforts by
11 an authorized representative to locate a birth parent to
12 authorize the release of the identity, the birth parent
13 cannot be located.

14 Perhaps there are good reasons to amend the law
15 further and creating more openness and more broadly
16 promoting birth parents who relinquished their parental
17 rights that they have the right to release both health
18 information and identifying information at their
19 discretion. It would seem prudent to consider this step in
20 the larger context of the Adoption Act and Act 101 of 2010.
21 Let's build on the strengths we already have in the
22 statute.

23 I support releasing the original birth
24 certificate; however, I recommend that the law be
25 consistent and as required by Section 2933(b)(2), written

1 authorization from the birth parent be obtained before any
2 identifying information is released.

3 Thank you so much for your time and attention to
4 this matter. And these comments are offered for
5 informational purposes to further the understanding of the
6 implications of the decisions you're being asked to make
7 and how these decisions will affect people's lives. I urge
8 the Committee study this issue more fully and consider
9 further discussions with stakeholders, including those who
10 have an expertise in this area who can offer input and
11 develop laws which would promote appropriate degrees of
12 openness.

13 Thank you very much.

14 REPRESENTATIVE MOUL: Thank you, Ms. Schuler,
15 appreciate your testimony. Will you be able to stick
16 around --

17 MS. SCHULER: Certainly.

18 REPRESENTATIVE MOUL: -- to possibly answer
19 questions?

20 MS. SCHULER: Thank you.

21 REPRESENTATIVE MOUL: Thank you.

22 At this time we'd like to welcome someone who is
23 absolutely no stranger to this Committee. Cathy Utz is
24 Deputy Secretary for Pennsylvania Department of Human
25 Services, who is in charge of the Office of Children,

1 Youth, and Families.

2 Thank you, Cathy, for taking the time out of your
3 busy schedule, and you may proceed whenever you're ready.

4 MS. UTZ: Thank you. Good morning,
5 Representative Moul, Chairman Conklin, Committee Members,
6 and staff.

7 I am Cathy Utz and I serve as the Deputy
8 Secretary for the Office of Children, Youth, and Families
9 in the Department of Human Services. I would like to thank
10 you for the opportunity to testify before you today
11 regarding the very important matter of adoption.

12 House Bill 162 proposes to amend the Adoption Act
13 of Pennsylvania. This legislation would permit adoptees
14 age 19 or older and descendants of deceased adoptees to
15 apply for a noncertified copy of an adoptee's original
16 birth record from the Department of Health. It would also
17 establish a process under the Department of Health for
18 birth parents to submit updated health information and
19 indicate their preference regarding whether they want to be
20 contacted directly, through an intermediary, or not at all,
21 by an adult adoptee who is their birth child.

22 The vision of the Department of Human Services is
23 that all children and youth grow up in a safe, loving,
24 nurturing, permanent families and communities. We know
25 that the legal process of adoption affords children and

1 youth this opportunity. We support many of the general
2 concepts proposed by this bill, including a process that
3 allows birth parents to provide updated health information,
4 the availability of a birth parent's health information to
5 adoptees and the descendants of deceased adoptees, and the
6 option for birth parents to delineate whether they want to
7 be contacted directly, through an intermediary, or not at
8 all by an adult adoptee who is their birth child.

9 DHS applauds the intent of House Bill 162 in
10 supporting opportunities for adoptees, adoptive families,
11 and birth families to have access to information. We
12 believe that the amendments to the Adoption Act created by
13 Act 101 of 2010 made great strides in that direction. Act
14 101 required the Department of Human Services to establish
15 a statewide confidential information registry.

16 The Pennsylvania Adoption Information Registry,
17 or PAIR as it is commonly referred, receives permanent and
18 permanently maintains and disseminates three types of
19 information pertinent to adoptions that are finalized or
20 registered within the Commonwealth: medical and social
21 information, authorizations for the release of identifying
22 information, and contact preference information.

23 In the four short years since Act 101 of 2010 has
24 been in effect, the PAIR has received information on over
25 6,000 adoptions. As courts, agencies, and individuals

1 continue to submit information to the PAIR, the number of
2 adult adoptees and their descendants who can access
3 information and/or establish contact with members of their
4 birth family will continue to rise. Rather than risk
5 diverting information from the PAIR by creating a duplicate
6 process for parents to file health information and contact
7 preference data with Department of Health, DHS respectfully
8 suggests an amendment to House Bill 162 that would
9 alleviate DOH of this responsibility. DHS believes that
10 adding language to create an opportunity for the Department
11 of Health and the Department of Human Services to exchange
12 this information would achieve a similar intent.

13 Since April 25th of 2011, three entities are
14 required to submit medical and social information to the
15 PAIR: courts that receive information from a parent whose
16 rights are terminated, public and private adoption
17 agencies, and individuals licensed by the Department of
18 Human Services to provide adoption services. Birth
19 parents, survivors of a deceased birth parent, adoptees who
20 are at least 18, and adoptive parents of an adoptee who's
21 under 18 may also provide medical and social information to
22 the PAIR.

23 In addition to submitting medical and social
24 information, these same individuals can authorize the PAIR
25 to release identifying information about themselves to

1 individuals eligible to request information from the PAIR.
2 Birth parents and survivors of a deceased birth parent can
3 also indicate to the PAIR whether or not they wish to have
4 contact with a birth child, while adoptees and adoptive
5 parents of an adoptee under 18 can indicate whether or not
6 they wish to have contact with specified members of an
7 adoptee's birth family. Information and authorizations
8 submitted to the PAIR relating to the release of
9 identifying information and contact preferences may be
10 updated by an individual at any time.

11 Since Act 101 of 2010 became effective, the PAIR
12 has received 5,774 medical and social history summaries
13 provided by courts and agencies that facilitated or
14 registered an adoption in the Commonwealth. In addition,
15 374 adoptees and 318 family members have also registered
16 information with the PAIR. This information is maintained
17 at the PAIR and shared, in accordance with the
18 authorization on file, with adoptees and birth family
19 members as requested by them in the future.

20 In addition to registering information, the PAIR
21 also responds to written requests for information,
22 including contacts available on adoptees, birth parents,
23 and birth siblings. Non-identifying medical and social
24 information is defined as information that does not
25 compromise the confidentiality of the relationship between

1 the adoptee and the adoptee's birth parent, and this
2 information, if on file with the PAIR, is always released
3 to an eligible requestor. Identifying information,
4 including contact preference information, is shared with an
5 eligible requestor when both the information and the
6 appropriate authorization are on file with the PAIR. If
7 there is no information on file with the PAIR to release
8 identifying information, the PAIR will recommend to the
9 requestor that the requestor contact the court which
10 finalized the adoption or the agency licensed by the
11 Department of Human Services that managed the adoption in
12 order to request a search.

13 To date, the PAIR has received requests for
14 information from 709 adoptees and 112 family members.
15 Fifteen birth family members and adoptees have successfully
16 been "matched" through the PAIR, meaning that they had
17 information that was shared with one another. As the
18 information and requests submitted to the PAIR are
19 permanently maintained, the opportunity for matches is
20 ongoing, but in order for additional matches to occur,
21 adoptees, birth families, adoptive families, and birth
22 family members must continue to file information with the
23 PAIR.

24 Adoptees, descendants of deceased adoptees, and
25 birth families are also able to file requests for

1 information or contact with the court which finalized the
2 adoption, the agency which coordinated the adoption, or the
3 successor agency. Courts and agencies are permitted to
4 charge reasonable fees for the services associated with
5 fulfilling these requests. Similar to the PAIR, courts and
6 agencies are able to file requests for non-identifying
7 information if information is contained in their records.
8 Unique to courts and agencies is their ability to appoint
9 an authorized representative to assist in fulfilling
10 requests for information and/or to make contact with
11 individuals.

12 An authorized representative is someone
13 experienced in providing adoption services who has
14 completed a standardized training program through the
15 Department of Human Services. Each court and agency
16 appoints at least one individual as an authorized
17 representative to carry out the requirements of the
18 Adoption Act. If need be, courts and agencies may contract
19 with an authorized representative for services. There are
20 currently 354 trained authorized representatives available
21 to courts and agencies throughout the Commonwealth. The
22 next DHS training is scheduled for this month.

23 When a court or agency finds that they have no
24 medical or social information on file or an authorization
25 to release identifying or contact information is not on

1 file, an authorized representative may be appointed to
2 engage in a search. Agencies and courts may decline to
3 search if they are satisfied that a request could cause
4 physical or emotional harm to the requesting individual or
5 others, or if the requestor fails to pay the reasonable
6 costs associated with the search.

7 Searches must be conducted in a way that no
8 individual other than a birth parent is informed of the
9 adoptee's existence and relationship to the birth parent.
10 Searches begin with a thorough review of the court and
11 agency records and require the authorized representative to
12 contact the PAIR, as well as other courts or agencies
13 listed in the record, to ascertain if the subject of the
14 request has filed an authorization to release the
15 information.

16 If an authorization is found, the identifying
17 information is furnished to the requestor. If an
18 authorization is not located, the authorized representative
19 uses a myriad of resources and techniques to try and locate
20 the subject of the request. If the subject is located, the
21 authorized representative must secure written consent
22 before information is released or contact between the
23 parties is made. If the requestor is an adoptee seeking
24 the identity of a birth parent, the identity of the
25 deceased birth parent may be disclosed. Data related to

1 the number of requests for information and/or contact
2 fulfilled by courts and agencies is maintained at the
3 county level and is not currently available to Department
4 of Human Services.

5 DHS fully supports allowing birth parents,
6 adoptees, and adoptive families to specify a preference for
7 contact with one another through an intermediary. We stand
8 ready and willing to amend the PAIR forms to reflect the
9 contact preference option, and we are committed to working
10 with the General Assembly to identify ways in which DHS may
11 support intermediaries and adoptive authorized
12 representatives in this work.

13 In closing, on behalf of DHS, I would like to
14 thank you for your dedication to the children and families
15 of Pennsylvania and for allowing us to share our thoughts
16 today. Thank you.

17 REPRESENTATIVE MOUL: Thank you Deputy Secretary
18 Utz.

19 MS. UTZ: Thank you.

20 REPRESENTATIVE MOUL: I appreciate your
21 testimony.

22 Now, I would like to welcome -- and forgive me if
23 I get your pronunciation wrong -- Kristi Lado.

24 MS. LADO: Lado.

25 REPRESENTATIVE MOUL: Lado. I took a shot.

1 Thank you for joining us today and sharing your personal
2 story. You may begin your testimony whenever you're ready.

3 MS. LADO: Good morning.

4 REPRESENTATIVE MOUL: Good morning.

5 MS. LADO: Members of the Committee, thank you
6 for the opportunity to speak to you today in support of HB
7 162. My name is Kristi Lado. I'm an adoptee and have been
8 involved with the adoption community for most of my life.
9 I've served on the Board and hosted a search and support
10 group for Adoption Forum of Philadelphia, and I am
11 currently on the board for Pennsylvania Adoptee Rights.

12 I was also reunited with my birth mother 14 years
13 ago without help from the State.

14 The first time I truly allowed myself to feel
15 outrage that my original birth certificate was sealed was
16 in my college media law class. We were discussing the
17 Freedom of Information Act. The professor spoke about our
18 American belief in an open government and breaking down the
19 walls between the bureaucracy and the citizenry it is
20 intended to serve.

21 I think Cathy Utz, by the way, did a very good
22 job of pointing out how convoluted that bureaucracy
23 currently is and now it can be streamlined by shifting the
24 services to the Department of Health.

25 These laws are supposed to prevent our government

1 from keeping secrets from its people. Clearly, the intent
2 of sealing original birth certificates in Pennsylvania
3 carry the intention of making my biological identity a
4 State secret. Fortunately for me, the lawyer who handled
5 my adoption had shared my natural mother's name with my
6 adoptive parents. It was perfectly legal then, as it is
7 now. Relinquishment documents have never contained
8 language promising birth mothers confidentiality, and our
9 original birth certificates are obtainable until our
10 adoptions are finalized.

11 So how did we arrive at a point where
12 Pennsylvania sealed original birth certificates away from
13 the very people they pertain to? How did we get to this
14 place? Back in 1984, Senator Stephen Freind, with help
15 from Catholic Social Services, managed to convince the
16 entire Pennsylvania legislature that equal access to OBCs
17 was causing a rise in abortions. Act 185 went into effect
18 a few months later and retroactively sealed adopted
19 Pennsylvanians' OBCs, including mine. Although time and
20 again the link between open birth certificates and a rise
21 in abortions has been proven statistically false, you will
22 hear this tired lie from those opposed to HB 162.

23 Why would entities like the Catholic Conference
24 stick to a lie? Why would they attempt to scare this
25 legislature into voting a certain way? The answer is

1 simple: It's profitable.

2 Pennsylvania requires adopted citizens seeking
3 the identity of their birth parents to undergo a State-
4 mandated search process under Act 101. Under this law, the
5 adoptee must file a request to the Orphans' Court in the
6 county where their adoption was finalized. The county will
7 either perform the search themselves, order the agency that
8 handled the adoption to do the search on the adoptee's
9 behalf, or assign the task to a third party of the county's
10 choosing. That county or third party is at liberty to
11 charge the adoptee any amount of money for this search. In
12 other words, rather than paying a mere \$20 for the simple
13 piece of paper non-adopted citizens are allowed to have,
14 adopted adults must pay fees ranging from a few hundred
15 dollars to \$1,000 in York County; that's \$500 per birth
16 parent.

17 It is noteworthy that Centre County appoints
18 Catholic Charities of Altoona-Johnstown to handle all
19 adoptees' requests for information, no matter which entity
20 handled their adoptions. This means that Catholic
21 Charities in Centre County collects Act 101 fees from, and
22 is granted access to, the files of adoptions it didn't
23 facilitate. In fact, in many counties the appointed
24 searcher is not affiliated with the same entity that
25 originally handled the adoption. As such, it is quite

1 clear that birth parent confidentiality is not an issue,
2 seeing that any third party, including a religious agency,
3 can be granted full access to the identities of everyone
4 involved in any given Act 101 request.

5 In all cases, the adoptee is not able to verify
6 whether or not the person being sought was actually
7 contacted or not or what was said by both parties. This is
8 a totally unnecessary and unwanted "service" to censor our
9 information that is rightfully ours and monitor our
10 personal relationships. It also forces a search on an
11 adoptee who might merely want to know their birth parents'
12 names, but does not want to contact them, all for the
13 purpose of obtaining permission from a parent to release
14 his or her name to her child. Could you imagine being
15 required by law to obtain your parents' permission to know
16 a basic fact about your own identity?

17 If the Act 101 investigation is mishandled, and
18 judging from the stories shared in the "Who Am I?" book,
19 they often are, we can take a DNA test for under \$100 per
20 test and attempt to cobble together our family trees, or
21 pay a private detective thousands of dollars to seek our
22 information. There are investigative agencies that cater
23 specifically to birth parents and adoptees. It's often
24 curiously easy for these investigators to find a birth
25 parent's name when this information is supposedly sealed.

1 You see, preventing us from obtaining our own documentation
2 does not make that information unknowable. Those of us
3 with the means to pay can rely on third parties willing to
4 exploit us. Those of us without the means live in limbo.

5 This is the danger of taking vital information
6 out of the hands of the people and allowing a third party
7 to control what we do and don't know about ourselves.
8 Information is power. Either we place that power with
9 those who stand to profit or we return it to the hands of
10 the adopted citizens it belongs to.

11 Helen Blair Schuler just describes the current
12 law as equal in every way to non-adopted citizens. Based
13 on what I just said, I respectfully differ.

14 You will hear from those opposed to HB 162 use
15 words that sound very reasonable until we examine how they
16 are applied to manipulate your judgment; words like
17 "privacy," "confidentiality," and "balancing" of interests.
18 "Balancing interests" is a statement based on the false
19 stereotype that birth parents never want to hear from their
20 children after relinquishing custody. As you can see by
21 the statistics, in open States only a miniscule number of
22 birth parents ever file a "no contact" preference form.
23 Even if that number was higher, most injustices in this
24 country have involved the interests of another party. This
25 isn't a reason to not bother to correct the injustice.

1 As for "privacy" and confidentiality," they are
2 reasonable in the sense that the details of an adoption
3 should not be released to just anyone. But they are not
4 the same as secrecy, which is what we have with a closed
5 records system. As we have stated time and again, there
6 has never been a legal promise made to birth parents that
7 their names would be withheld from their own children.

8 I also question which is more "private" and
9 "confidential": simply handing the adoptee a piece of paper
10 with the information they need so, if they choose to
11 search, contact can be kept between the two individuals the
12 search pertains to; or having an intrusive State system
13 where perfect strangers are able to look at the birth
14 parent and adoptee's information and interfere with their
15 personal business.

16 Some will tell you that OBCs should remain sealed
17 because some adoptees were conceived by rape. Rape happens
18 to be my conception story. Is that anyone's business but
19 my own? Absolutely not. But again, under Act 101, a
20 perfect stranger, likely an identity that had nothing to do
21 with my adoption, would have access to my personal
22 information and my mother's for no other reason than to
23 supposedly protect us from each other. If my conception
24 story is true, does it make me any less of a human being?
25 Am I any less deserving of my origins.

1 I am not a rapist and should not be punished for
2 my father's alleged actions. As the law stands in
3 Pennsylvania, even a rapist has the right to know his
4 accuser; he has the right to know her name, but her
5 innocent child, if given up for adoption, does not.
6 Victimizing the next generation will not take away a rape
7 survivor's pain.

8 As a woman, I'm offended that the opposition
9 seems to think mothers, whether they conceived by rape or
10 not, would not be able to handle communication from their
11 own children. In fact, they believe women are so fragile
12 that they need the State to intervene in their personal
13 lives and shield them from such communication. Note that
14 we never hear the same fears in relation to birth fathers.

15 Under HB 162, a woman who has relinquished a
16 child who does not want a relationship with that child will
17 have had 19 years to formulate a response should she be
18 contacted. She is well within her rights to do what every
19 other human being in the State can do when they receive
20 unwanted communication: She can simply say "no."

21 My mother, when I found her, agreed to meet and
22 she did not want a relationship. We handled that situation
23 like two adults and I respected her wishes, and the world
24 did not come crashing in.

25 The opposition to HB 162 speaks from fear.

1 Although our system functioned very well before sealed
2 birth certificates, they'll have you believe the very
3 fabric of our society will tear apart if we treat adopted
4 citizens fairly. You will hear unfounded abortion fears,
5 the idea that one should fear her own child, and the fear
6 that institutions profiting from our unfair system may lose
7 their authority over our information.

8 So what exactly would happen if we allowed
9 adoptees to have equal access to their original birth
10 certificates? Probably the same thing that happened in
11 open-records States across the country and in Pennsylvania
12 prior to 1985: nothing. People will handle their own lives
13 as they see fit. All adoptees want and deserve is our
14 truth.

15 You will likely hear testimony from searchers,
16 court clerks, and others who profit from our current system
17 about how horrible some of our truths might be. My own
18 story could be considered tragic. Many third party
19 intermediaries would see that my conception story included
20 rape and try to discourage a reunion, and evidence, they
21 are well within their rights to deny a search based on that
22 or based on their feeling that something bad might happen.
23 After all, they might consider information they would
24 consider damaging.

25 My story still could have been considered bad

1 asked my birth mother for my genetic father's name. She
2 cut off all communication because I asked about my own
3 paternity. I have since taken three DNA tests and figured
4 out who my natural father is. He is deceased, but I found
5 a loving half-brother and a paternal family who are very
6 excited to meet me.

7 It also turns out that my birth mother and
8 father, a man she described as an acquaintance, almost got
9 married. I can only imagine had my reunion with my birth
10 mother been placed in the hands of a stranger how that
11 stranger's judgments may have affected what I know about
12 myself today.

13 I met my brother two days ago, by the way.

14 The truth of our beginnings, whether one should
15 consider it positive or negative, is all adoptees want and
16 deserve. Some of us may just want a name on a piece of
17 paper. Others, like me, want to explore our truths to
18 their full extent.

19 Ask yourself: What is the point of adoption?
20 Most of us would say that the objective of an adoption is
21 to do what is best for the child. Why would we profess to
22 care about the welfare of adoptees and then strip them of a
23 basic human right to know who they came from as they reach
24 adulthood? It makes no sense. If we think that the point
25 of an adoption is to spirit away a child from his or her

1 origins permanently, we have a problem with our priorities.

2 What this boils down to is we are all adults.

3 The fact that we are adopted as children does not mean that
4 the system should have authority over our lives into
5 adulthood.

6 The opposition is asking, "Who do we think we
7 are?" Who are adoptees and natural mothers to challenge
8 others' authority over our lives? Who are adoptees to
9 stand up for our civil rights? Something an adoptee hears
10 very often in life is to just be grateful for what we have
11 because of how much worse our situations could have been.
12 Imagine what kind of country we would have if we
13 compromised our rights because of how much worse things
14 could be.

15 The Catholic Conference, a paid searcher, and a
16 court clerk didn't show up to the House Committee hearing
17 when HB 162 passed unanimously last session. Today they
18 are here because they are clearly threatened by this
19 movement and are protecting their own interests.

20 I'm testifying before you today because I believe
21 in our worth as human beings. I believe all adoptees in
22 the Commonwealth of Pennsylvania are deserving of our civil
23 right to our biological identities and treatment equal to
24 non-adoptees under the law. Above all, I believe in
25 allowing people to have their truth unimpeded by

1 bureaucracy. May only the truth sway you. Please do the
2 right thing and vote for House Bill 162. Thank you.

3 REPRESENTATIVE MOUL: Thank you, Kristi. I
4 appreciate your very moving testimony.

5 Next, we'll hear from a panel of three
6 representatives from the Pennsylvania Catholic Conference.
7 We're happy to have with us this morning Francis Viglietta,
8 Director, Social Concerns Department with the Catholic
9 Conference; Teresa McCormack, Esquire, Legal Counsel; and
10 Kelly Bolton, Program Director for Catholic Charities
11 Adoption and Specialized Foster Care for the Diocese of
12 Harrisburg.

13 Welcome to all of you. You may begin when you're
14 ready. And if we could keep it to 10 minutes, it would be
15 appreciated.

16 MR. VIGLIETTA: Thank you, Chairman Moul,
17 Chairman Conklin. I do have to say there have been several
18 previous speakers saying what the Catholic Conference
19 stands on this or that or why we do it. You're going to
20 have an opportunity to find out where the Catholic
21 Conference stands on these issues right now. And we've
22 written our testimony. It's in your hands and we will
23 present it accordingly.

24 Good morning, Chairman Moul, Chairman Conklin,
25 and Members of the House Children and Youth Committee. I

1 am Fran Viglietta, the Director of the Social Concerns
2 Department for the Pennsylvania Catholic Conference. Our
3 conference represents all the Catholic Bishops in
4 Pennsylvania in the public policy arena. With me today are
5 Teresa McCormack, Esquire, from the law firm of Ball,
6 Murren & Connell, Legal Counsel to our conference; and
7 Kelly Bolton, Program Director for Catholic Charities
8 Adoption Services and Specialized Foster Care for the
9 Diocese of Harrisburg. We appreciate the opportunity to be
10 here today and to testify in opposition to House Bill 162,
11 which permits adoptees to obtain a copy of their original
12 birth certificate without receiving the consent of the
13 parents. Permit me to give a brief overview.

14 Catholic Charities/Social Services agencies in
15 Pennsylvania have been involved in adoption proceedings for
16 decades. Our agencies have provided services for birth
17 parents, adoptive parents, and adoptees, including
18 counseling, adoption training, adoption placement and
19 supervision, post-adoption services, and adoption searches.
20 We believe that our longstanding involvement in all aspects
21 of the adoption process gives us the experience needed to
22 work effectively with others in assuring that adoption
23 proceedings in Pennsylvania are fair and compassionate for
24 all those involved.

25 Over the years, PCC has worked to reform the

1 Adoption Act in Pennsylvania. A great concern for many has
2 been the difficulty that adoptees and birth parents had in
3 searching for each other and in obtaining information. And
4 therefore, we worked cooperatively with other organizations
5 and legislators to revise the Adoption Act, which has come
6 to be known as Act 101 of 2010. And previous speakers have
7 mentioned to that, and in the interest of time,
8 Mr. Chairman, I'll bypass comments there.

9 House Bill 162 would give an adoptee a copy of
10 the summary of the original birth records, commonly known
11 as a birth certificate, with the names of the birth
12 parents, whether or not the birth parents consent. Under
13 the current law, a birth parent can file a consent to
14 release this information with the Department of Health,
15 Vital Records Division. But House Bill 162 would eliminate
16 this carefully crafted safeguard and unilaterally release
17 the identity of the birth parents.

18 Admittedly, this year there is contact preference
19 language giving the birth mother the opportunity to say I
20 want contact, I do not want contact, or I want contact
21 through an intermediary. However, there's nothing in House
22 Bill 162 this session that prohibits the Department of
23 Health in providing an original certificate of birth even
24 if the birth mother does not want this information
25 released.

1 PCC continues to maintain that it is very
2 important that an intermediary be available to help all
3 parties involved in adoption work through the issues and
4 strong feelings that arise during the search. Although
5 many birth parents are not opposed to being located, there
6 are some who may not be ready, and may never be ready, to
7 deal again with the pain and emotions they experienced at
8 the time they placed their child for adoption.

9 For example, a birth parent may not have prepared
10 her current family for revelation of a past adoption.
11 Other parents may be mentally or emotionally unprepared to
12 deal with the issues. Moreover, some birth parents simply
13 are not ready to meet their surrendered child when the
14 adoptee is ready to search. The timing is just not right.

15 Thus, when confronted without warning or
16 preparatory counseling, the relationship quite possibly
17 would get off to such a bad start that it has no chance of
18 flourishing. The counseling provided by an experienced and
19 trained intermediary is essential to address the needs of
20 the many people involved in the adoption search process.

21 We think the law was effectively revised in Act
22 101 and we are supportive of this law. However, House Bill
23 162 and the policy that was developed in 101 should not be
24 abandoned.

25 As stated previously, our Conference's primary

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

14 A few months ago, I received a letter from a
15 woman who had learned about House Bill 162 and wrote me to
16 express her opposition to the bill. She is a birth mother
17 who placed her child for adoption years ago but still does
18 not want her name released, a concern that can be shared by
19 other birth parents who oppose the bill but who are not
20 willing to give up their anonymity. Birth parents seeking
21 anonymity are not usually inclined to testify at public
22 hearings or to speak at press conferences in the Capitol
23 Rotunda. But if enacted, House Bill 162 would unilaterally
24 ignore the wishes of the woman who wrote to me and other
25 birth parents who share her concern.

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

9 Now, let me get to a point that several prior
10 speakers have been talking about, i.e., the Catholic
11 Conference is making this an abortion issue. To clarify, I
12 was asked recently if House Bill 162 has any pro-life
13 implications. And I would be remiss if I did not address
14 that issue today. Common sense tells us that a woman faced
15 with the difficult decision of whether to place her child
16 for adoption might also be more inclined to consider
17 aborting the child if her desire to have her identity does
18 not remain private and was not protected. No, not every
19 woman would feel this way and we admit that, but again, I
20 appeal to your sense of logic and common sense; some women
21 would.

22 During my discussion with our Catholic Social
23 Service Directors and staff, I was told about two women.
24 Tragically, these women had been victims of rape. They
25 became pregnant. They went to our agencies for assistance

1 and counseling and eventually both decided to carry their
2 children to term and then place them for adoption.

3 However, both of these courageous women agreed to place
4 their babies for adoption only if their identities would
5 remain private so that the children conceived of a barbaric
6 rape could live a good life and the birth mother would
7 never be forced to face the possibility of having to
8 revisit a horrific moment in her life. Indeed, given the
9 circumstances, the Pennsylvania Catholic Conference
10 recognizes that the essential need for privacy expressed by
11 these women is legitimate and compelling. House Bill 162
12 would negate their requests.

13 On the issue of other States having laws similar
14 to 162 have seen their abortion rates go down, in
15 Pennsylvania, the Department of Health distributes annually
16 a comprehensive report on abortion. This report includes
17 data such as the predominant age group of woman obtaining
18 abortions, a breakdown of abortions by county, and the type
19 of abortion procedures used, to name a few. But nowhere in
20 this report is a woman asked why she chose to abort her
21 child. In view of this, how can Pennsylvania or other
22 States prepare and distribute accurate data on why women
23 chose to abort or even tie in a connection between a 162-
24 like bill and abortion statistics? The Catholic Conference
25 is not able to do that.

1 I point out to you that in 2013 abortion
2 statistics dropped by 7 percent in Pennsylvania. We are
3 not saying that's as a result of the implementation of Act
4 101. We simply don't know. The reasons a woman chooses to
5 abort are varied and many and you really can't quantify
6 many things that are in a person's heart. That's the
7 position of the Pennsylvania Catholic Conference. So I
8 refuse those who are saying we making this a big pro-life
9 issue. We simply are not.

10 Regardless, even if it was demonstrated
11 conclusively that there was absolutely no connection
12 between House Bill 162 and abortion rates, the Pennsylvania
13 Catholic Conference would still oppose the legislation in
14 support of those birth mothers who still desire anonymity.
15 That is our primary reason for opposing the bill. And I
16 thank you for permitting me to clarify that point because I
17 said so many other people are assuming or saying this.
18 This is our position which I presented to you today.

19 Finally, permit me to point out, today the
20 Pennsylvania Catholic Conference is speaking in opposition
21 to a bill giving adoptees unilateral access to identifying
22 information about their mothers without the consent of
23 these mothers.

24 I should assure you if the shoe was on the other
25 foot and if legislation was to be introduced shifting the

1 balance in adoption proceedings to favor birth mothers or
2 adoptive parents and, in so doing, ignore the concerns and
3 rights of the adoptees, our conference would speak out in
4 opposition to such legislation as well because the rights
5 of one of the parties involved in adoption proceedings
6 would be violated. Of course this is just a hypothetical
7 situation, but I'm sure you get my point.

8 Respecting the wishes of all those involved is
9 key to a successful and productive adoption process. We
10 feel that Act 101 helps to accomplish this purpose. If,
11 however, Act 101 needs to be refined further, let us all
12 work together for that purpose. Simply discarding this
13 relatively new law, as House Bill 162 would do, is not the
14 way to go. For the reasons stated previously, the
15 Pennsylvania Catholic Conference urges you to oppose House
16 Bill 162 as it is written. Thank you so much for your
17 consideration.

18 REPRESENTATIVE MOUL: Thank you, Francis, Teresa,
19 Kelly, for your testimony and perspective on behalf of the
20 Catholic Conference here in Pennsylvania.

21 MR. VIGLIETTA: Thank you, Mr. Chair.

22 REPRESENTATIVE MOUL: Appreciate it.

23 Our next testifier will be Amanda Woolston, who
24 is also affiliated with Pennsylvania Adoptee Rights.

25 MS. TRANSUE-WOOLSTON: Good morning.

1 REPRESENTATIVE MOUL: Welcome, Amanda.

2 MS. TRANSUE-WOOLSTON: Good morning. Thank you
3 for the welcome.

4 REPRESENTATIVE MOUL: Appreciate you being here.

5 MS. TRANSUE-WOOLSTON: Esteemed Members of the
6 Children and Youth Committee, thank you so much for having
7 me. My name is Amanda Transue-Woolston. I am a licensed
8 Master Social Worker, a Child and Family Psychotherapist,
9 and an Adoption Educator. I have authored, coauthored, or
10 edited eight books on adoption. I'm the founder of
11 Pennsylvania Adoptee Rights. I am also an adopted person,
12 who was born in a State that allows me to have access to my
13 original birth certificate. I was adopted as an infant
14 through the largest adoption agency in the United States
15 and I also spent some time in foster care.

16 I am also a person who was conceived from rape.
17 My first book focused on empowering adoptees and
18 destigmatizing being adopted, and I hope to do a little of
19 that today. More specifically, I am here to testify in
20 favor of House Bill 162.

21 The issue we're discussing here today is the
22 original birth certificates of adult adoptees. When a
23 child is born, they receive a birth certificate that
24 records the historical event of their birth. When a child
25 is adopted, an amended birth record replaces the original

1 one and it lists their adoptive parents as their biological
2 parents. In 48 States the original birth certificate is
3 sealed. Every single State has a law on the books
4 providing for the release of the original birth certificate
5 to the adoptee, usually through a very complex,
6 frustrating, and expensive system. Increasingly, though,
7 we are seeing laws acknowledging that this is not fair and
8 it is absolutely not a best practice, and they are opening
9 original birth certificates to adult adoptees.

10 To me, HB 162 is a very straightforward piece of
11 legislation. It allows any person who was born within our
12 great Commonwealth to access the birth record that they
13 were born with, their original birth certificate, just like
14 anyone else, without being told that they have to use an
15 expensive and ineffective system to do so just because they
16 were adopted.

17 So there's an interesting history behind how this
18 bill became necessary. As prior colleagues have told you,
19 until 1985 Pennsylvania was one of three States that did
20 allow adoptees the same access to their original birth
21 certificate as anyone else received. Following Roe v. Wade
22 in 1973, concerns arose in the Legislature that adults
23 accessing their original birth certificates would increase
24 abortion rates. So the legislator first questioned the
25 interpretation of the law. Should vital statistics really

1 be releasing these documents to adoptees? In 1978, the
2 Pennsylvania Attorney General issued an official statement
3 saying, yes, it's their birth record. They identified it
4 as completely separate from the sealed adoption file. It's
5 their birth record; they have a right to access it. This
6 process should continue.

7 So then a Representative in response drafted a
8 bill that sealed original birth certificates making them
9 accessible only through a complex system. We have since
10 modified that system a little bit through Act 101, although
11 not enough. And I will say as an aside, I was one of the
12 people who evaluated what came across to you as SB 1360
13 before it was even submitted by Senator Greenleaf.
14 Originally, adult adoptees were not even considered. It
15 was from adoptions now going forward who would be included
16 in a bill, a bill meant to focus on open adoptions, not on
17 records access.

18 So the intention that I understood was that Act
19 101 was not the final word on this issue; it was focused on
20 open adoption arrangements, and we were kind of an aside.
21 So we're here. We're back and we're asking for the issue
22 to this portion of the law to reflect a best practice, not
23 for Act 101 to be the end-all and be-all.

24 That said, the Representative that sealed records
25 also drafted Pennsylvania's Abortion Control Act, which was

1 our country's first State-based challenge to Roe v. Wade.
2 He also became famous for his claim that women are
3 medically incapable of conceiving from rape.

4 At the time, the legislator had no evidence
5 whatsoever to suggest that sealing original birth
6 certificates would have any influence on abortion rates.
7 Nonetheless, the bill passed and now here we are.

8 For the past 30 years, adult adoptees and our
9 birth and adoptive parents and now our own children and
10 grandchildren have been asking for some follow-up based on
11 data we do have, not from Pennsylvania but from other
12 States that have the legislation that we're asking you to
13 pass. There has never been a study indicating causation
14 between original birth certificate access and abortion
15 rates, nor any study indicating that the two variables are
16 so much as statistically significantly connected. In fact,
17 after Oregon passed legislation similar to HB 162, their
18 abortion rates went down by 25 percent. If we were to say
19 that original birth certificate access and abortion rates
20 are connected at all, it wouldn't be to say that the rates
21 would go up.

22 I have been studying and educating about this
23 issue for about six years. People still ask me, okay, we
24 see the data; we have it laid out in tables the States that
25 have access, what their abortion rates look like following

1 the passing of the legislation; but don't you just feel
2 that abortion rates would go up anyway? Isn't it common
3 sense? And my response is no, absolutely not. And it's
4 not just because of the data. It's because of the
5 fundamental way in which I view adopted people and the
6 families connected to adoption. Adoption is a decision
7 about parenting; abortion is a decision about pregnancy.
8 They are not two sides of the same coin. I do not see
9 adoptees as unwanted. I do not see birth parents as
10 unwanting. These are stereotypes. I am wanted. I am
11 cherished. I am loved by my birth and adoptive families.

12 Over the past six years, I have borne witness to
13 thousands of narratives of birth and adoptive parents and
14 adoptees. I see complexity, I see loss, I see longing, and
15 I see love. I do not see people who we should be afraid of
16 or who should be pathologized by us today. And I think in
17 opposing testimony the word "danger" was used at least
18 three times to describe adoptees having access to their own
19 records. I hold deep concerns that adoptees and birth
20 parents are being spoken of this way by the professionals
21 serving them. And I apologize on behalf of professionals
22 to the adoptive families and adoptees who had to hear that
23 who will have to go to these court systems and be served
24 and be thought of as a situation that is dangerous. That
25 is not how I want my community to be spoken of.

1 Not every pro-life person has this anxiety about
2 HB 162 and abortion rates. All of my many parents are
3 vehemently pro-life. One of my parents sits on the Board
4 of Directors of a very prominent pro-life organization and
5 could not be prouder that I am here before you today that I
6 am a social worker and that I do the work that I do
7 supporting the adoption community. There is nothing about
8 my experience in the adoption community that makes me
9 anxious about danger and abortion rates rising.

10 What I am confident about is the two national
11 policy evaluations by the Evan B. Donaldson Adoption
12 Institute that concluded there is little evidence sealed
13 original birth certificates substantiate promises of
14 anonymity to birth parents. Furthermore, University of
15 Baltimore law professor Elizabeth Samuels recently
16 concluded that there was no promise of anonymity found
17 within the legal documents that birth parents sign. These
18 documents were sent to her voluntarily by birth parents
19 themselves.

20 Research by renowned law expert Dr. E. Wayne Carp
21 revealed that both nationally and internationally there are
22 no known negative repercussions to legislation like HB 162.
23 In fact, the feedback we receive from the adoption
24 community abroad is that they're confused as to why the
25 United States is so behind on this issue. This is a

1 critique prevalent in the popular writing of Finnish
2 adoptee and sociologist Dr. Katrina Wegar.

3 And I would be remiss if I did not point out that
4 this legislation is official endorsed by the Pennsylvania
5 Chapter of the National Association of Social Workers.

6 Lastly, and I said at the beginning of my
7 testimony, I am a person who was conceived from rape, and I
8 want to make it very clear today that I am not ashamed of
9 myself. I am many things. I'm a social worker, a
10 therapist, a wife, a mommy, I'm a daughter. I am not what
11 my biological father did. I am not what has been described
12 today as horrific. The act was horrific, absolutely. I
13 know who my paternal family is. I know who my father was.
14 The act was horrific. I am not horrific.

15 My birth is no more worthy of being hidden from
16 me than the birth of any other person as though I or my
17 birth mother have something to be ashamed of. I am not
18 ashamed of us. I won't sit here and speak for my birth
19 mother because no person should be speaking for birth
20 mothers but birth mothers. I can tell you, though, that my
21 birth family, which includes 26 first cousins, is not
22 ashamed of me.

23 My story is not every person's story, and I know
24 that. But what I know to be true for every single adult
25 adoptee is that each of us is entitled to dignity and

1 respect and the same access to our birth record that the
2 government gives every other person who isn't adopted,
3 regardless of their family history. I believe birth
4 parents are as valuable as any other parent and that the
5 births of their children are no more shameful or worthy of
6 being hidden than the birth of any other child.

7 HB 162 is an opportunity to send a positive
8 message about being adopted to adults like me and the
9 adopted and fostered kids that will one day walk in my
10 shoes. HB 162 tells the adoptee that your identity before
11 and your identity after you were adopted is precious to us,
12 and we affirm this in our laws.

13 It's time to fix this issue and I thank you so
14 much for listening to our voices today. Thirty years --
15 and I will be 30 in a month -- 30 years has been 30 too
16 long. Thank you so much for your time.

17 REPRESENTATIVE MOUL: Thank you, Ms. Woolston.

18 It's time to hear from our final testifier today.
19 Sandra Bornman is Pennsylvania Act 101 Authorized
20 Representative who has 23 years experience in adoption
21 search and reunification and is authorized in nine
22 Pennsylvania counties.

23 MS. BORNMAN: Do you guys mind if I stand?

24 REPRESENTATIVE MOUL: We won't be able to hear
25 your testimony unless you can really boom it out. And if

1 you don't mind, we do need to keep this to 10 minutes
2 because we're running a little short on time. You may
3 proceed.

4 MS. BORNMAN: Good morning, and thank you so much
5 for the opportunity to come here and talk with you today to
6 kind of round out the information that you [inaudible]
7 House Bill 162.

8 And as you said, my name is Sandra Bornman. I am
9 a 25-year veteran of Search and Reunification. I have
10 helped hundreds and hundreds of people through this process
11 in addition to assisting many, many more just through
12 counseling on the issue itself. I have [inaudible]. I was
13 formerly licensed by the Arizona State Supreme Court as one
14 of their Confidential Intermediaries when I was out there,
15 and then back here I served as the Search and Reunification
16 Caseworker for Catholic Charities of the Harrisburg
17 Diocese, Jewish Family Services, DIACON [ph] -- I got all
18 the three big guys -- as well as York County [inaudible].

19 Once Act 101 came along, I became one of those
20 and am now the court appointed Act 101 authorized rep
21 through nine Pennsylvania counties, including some that you
22 folks represent, as well as several children and youth
23 agencies, private adoption agencies, private adoption
24 agencies [inaudible] any individual broker [inaudible].

25 I think the reason that I can be valuable for you

1 guys today as you're making your mind up is because I'm
2 probably the closest thing to an unbiased resource that you
3 could find. The reason I say that is I started into this
4 field initially from [inaudible] locating missing persons,
5 so I have no particular agenda related to adoption
6 [inaudible].

7 I am not an adoptee, nor am I a birth parent, so
8 it doesn't have a personal interest to me. I make probably
9 about \$1,500 a year doing search and unification. I
10 probably spend more of that on the cases themselves, and
11 certainly on outreach for Act 101. So I most definitely do
12 not make my living doing [inaudible].

13 I work advocating for both adoptees and birth
14 parents. However, I am most often hired by adoptees to
15 locate their birth parents and to negotiate an exchange of
16 information or a reunion or whatever that both parties
17 would like to do. I just think that's important to point
18 out because I don't want, after we talk, for anyone to have
19 the impression that I don't support adoptees having this
20 information. I most certainly do. That's what I do is
21 seek that information for them.

22 However, in the work that I do contacting birth
23 parents, obviously I'm also equally exposed to what the
24 birth parents' response is to being found. So that's my
25 goal today is to go over with you guys what some of those

1 adoption stories actually look like. Every adoptee wants
2 to believe that they were the product of two high school
3 sweethearts who got pregnant when they were seniors. At
4 the encouragement of their parents, they placed that child
5 for adoption, went on to college, went on to [inaudible].
6 Sometimes that's the case, but most of the time it's not.

7 Most of the time the story is like this, you
8 guys: It's your 12-year-old birth mother who's pregnant by
9 her own father. It's the birth mother who's addicted to
10 drugs and has prostituted herself so by the time she's
11 filling out the paperwork for her adoption, she has no idea
12 who the birth father is. It's the teen mother who's sent
13 off to a treatment center because this pregnancy at the age
14 of 16 is the final straw that her parents are going to put
15 up with. [inaudible]. Birth mother finds out on the same
16 day that she receives divorce papers from her husband that
17 she's pregnant. Someone is past the date to have an
18 abortion done, they carry through with the -- can you
19 imagine that reunion? The husband or boyfriend threatens
20 his wife or girlfriend, if you don't have an abortion, I
21 will whatever, leave the family, kill you, whatever the
22 threats were. And just one [inaudible], the young girl who
23 is virtually humiliated and shamed by her parents, her
24 family, her friends, her church.

25 And you guys remember; we are not talking about

1 2015 when we have reality TV shows like "16 and Pregnant"
2 where we celebrate people having teenage pregnancies or
3 children born out of wedlock. I'm still working with World
4 War II-era women. I have a 90-year-old birth mother.
5 We're talking about ladies living through the '30s, '40s,
6 '50s, '60s, '70s -- 1974 being an important year in there
7 -- then on through here even into the mid- to late '80s.
8 If you were the teenage girl who was pregnant in high
9 school, you were still the topic of conversation
10 [inaudible].

11 Affairs that occurred during wartime, I don't
12 know if you saw the materials about the gentleman named
13 Robert who found out that his wife had had a baby while he
14 was serving in the Korean War, except it was too late for
15 him to find out that she had actually been raped by his
16 best friend and that it was not an act of infidelity.

17 And then of course [inaudible], we've mentioned
18 today of how the birth mothers who had a baby because of a
19 rape, and then also the one group that we haven't talked
20 about much today and that's all the adoptions that occurred
21 because children were rescued by Children and Youth from
22 brutal and sadistic homes.

23 Now, why do I say all these? Well, you guys, as
24 an Act 101 Authorized Rep, I know that any one of these
25 people, if I was conducting a search for them, they could

1 say yes; they could consent to having contact with the
2 adoptee. Sure, that could happen. But could you not also
3 understand why any one of these people may not want to do
4 that?

5 A huge, huge difference between Act 101 and the
6 way it works out in House Bill 162 -- when I say huge, I
7 mean huge -- is the burden of confidentiality. As an Act
8 101 Authorized Rep -- let's start with [inaudible]. Let's
9 call her Sally Smith [inaudible]. If I as an Act 101 rep
10 and asked by the adoptee to find Sally, I start out the
11 case knowing the situation of incest. I have that access
12 to that information in the file so I know that that's the
13 case, which means, as I approach her, I'm going to be
14 approaching her with sensitivity even above and beyond what
15 I normally use because I realize what she could be facing.
16 Then when I start into the case, as I work to locate Sally,
17 I am statutorily bound to protect Sally and the adoptee's
18 confidentiality, which means I can't call Sally's husband
19 and say, hey, I'm trying to find Sally because I represent
20 her adoptee or the child she placed for adoption. I am
21 bound to have only the adoptee and the birth parent know
22 what's going on.

23 Now, under House Bill 162, that's a very
24 different story starting off with Sally, the adoptee has no
25 idea what Sally's story is, so they come to the front door,

1 "I'm here." And I'm not saying that that's how they will
2 act but some do. But let's say they go to the door. They
3 have no idea about the incest situation. So who do you
4 think might be the first person that adoptee might be able
5 to locate when they're looking for Sally? Sally's dad,
6 because after all, he probably still lives in the same
7 house where the abuse happened.

8 But what's more important than that is that under
9 House Bill 162 the adoptee is under no obligation
10 whatsoever to offer any confidentiality to Sally, so they
11 can pick up the phone and call Sally's husband, Sally's
12 children, Sally's employer, Sally's church, Sally's
13 organization. And the reason they would do that is because
14 while it's not so easy to find the information [inaudible]
15 despite what you might think, it is easy to find out that
16 somebody's involved in something else and their picture is
17 [inaudible] bulletin or some such thing. But that is
18 without a doubt the hugest part of this.

19 Now, I know that people would like to think that
20 most adoptees will [inaudible] birth parents, and I hope
21 they will. However, I know for a fact that plenty of them
22 aren't. And let me just assure you of one thing, even with
23 Sally, but really for all of these folks: When this
24 adoptee under House Bill 162 finds out that Sally is
25 uncomfortable having consent with that, we know what's

1 going to happen, right? Up goes the Facebook page. Sally
2 Smith is the selfish birth mother of mine who refuses to
3 have contact with me. Guys, that absolutely happens. If
4 you don't believe me, you can Google the phrase "my birth
5 mother will not have contact with me." You will get an
6 eyeful. And it happens in the other States that have open
7 records, in Oregon [inaudible] in the paper name the person
8 enlisting the information and why [inaudible].

9 We've heard some statistics through the written
10 materials and some that we hear today about how many birth
11 parents consent to contact. You guys, as I said, I've been
12 doing this for 25 years and had hundreds of cases, and I
13 find that the results are in thirds. One-third of the time
14 the person says, my goodness, I've been waiting 30 years
15 [inaudible].

16 The middle third of the time the person says, oh,
17 wow, I never told anybody about this but please tell the
18 adoptee that I think of them every day, you know, I
19 remember their birthday. They'll usually give me a verbal
20 medical history. They don't want anything written. They
21 don't want it to come in the mail to their home, but they
22 will give me a verbal medical history but they do not agree
23 to give their identifying information.

24 Then the third one-third, sadly, is the person
25 who says to me how dare you snoop around my life; don't

1 call me again.

2 Now, if you listen to what I just said, that's
3 two-thirds of the birth parents do not consent to giving up
4 their identity. Now, we can hear all kinds of figures
5 given about [inaudible] about whether they'd want to have
6 contact or not but I'm thinking that you can take what I'm
7 saying at face value because I'm not trying to say what the
8 birth parents say. I'm telling you what birth parents are
9 [inaudible]. Now, granted, it's anecdotal, but like I
10 said, it's hundreds and hundreds and hundreds of cases
11 [inaudible]. So I don't think that you should assume that
12 most birth parents want [inaudible].

13 So I would then think that considering that right
14 now in the State of Pennsylvania, in the Commonwealth of
15 Pennsylvania we have Act 101. Act 101 treats both parties
16 of the adoption equally. It gives both parties the right
17 to seek information about the other one and it gives both
18 parties the right to say no, I don't want you [inaudible]
19 invitation. That's fair.

20 Everything that adoptees are looking for they can
21 get from Act 101, including copies of original birth
22 certificates. I see them all the time in the file. So if
23 the person consents to sharing their information, they can
24 get that. Nobody ever asked me for it, which I think is
25 kind of funny, but I guess they just don't think of it once

1 they've met their birth parents. But they can get their
2 birth certificate.

3 Adoptees want to know why they were placed for
4 adoption and who were these people? Act 101 gives them why
5 they were placed for adoption. It gives all the
6 information about who these people were. They were high
7 school sweethearts. They were college graduates. They are
8 Irish. They are French. They have six children. They
9 weren't married. You name it. All that information that
10 they can get.

11 There's also occasionally sentimental items left
12 behind, pictures, necklaces, [inaudible] information,
13 updated information. All those things could be in the file
14 that they can access through Act 101. There's also
15 information about birth parents or birth fathers. Birth
16 fathers are rarely named on birth certificates, so if you
17 want any of your birth father information, it's going to
18 come from Act 101, probably not House Bill 162. Plus, if
19 you're interested in siblings, which many adoptees are,
20 again, no information from 162 about siblings.

21 People mentioned trends. This is absolutely,
22 absolutely not the trend. Eighty-eight percent of States
23 do not have open records.

24 So let me please just make a statement. House
25 Bill 162, when you take away all the emotions, all the

1 thoughts and feelings, House Bill 162 takes the private and
2 intimate information of one citizen and gives it to another
3 without their consent or notice.

4 REPRESENTATIVE MOUL: Thank you, Ms. Bornman.

5 We have about 10 minutes left and then we must
6 head to the House Floor. If all those that testified,
7 would you mind taking a seat up front so that maybe some of
8 our Members could ask some questions.

9 Representative Santora.

10 REPRESENTATIVE SANTORA: Thank you, Mr. Chairman.

11 First of all, Amanda, you are a shining star.
12 Keep it up. Keep doing what you're doing every day. And
13 you're right; it doesn't matter how you were conceived;
14 it's who you've become. So congratulations for that and
15 keep spreading your word.

16 For the PA Catholic Conference, did you get any
17 letters negative to your position on this? Because you
18 mentioned the letters that you got positive in support of
19 your position.

20 MR. VIGLIETTA: We testified on this bill,
21 virtually a similar bill except for the contact provision
22 before the Senate Committee last March I believe it was,
23 and to answer your question directly, yes, we got some
24 favorable responses; we got some opposition.

25 REPRESENTATIVE SANTORA: Okay. From the people

1 that are opposed that I keep missing is where are the
2 adoptees' rights? Why is that not being mentioned over and
3 over and over again? And I agree; I think it is wonderful
4 that, ma'am, including yourself -- and I'm sorry I forgot
5 your name in the middle -- you made a decision that you
6 thought was in the best interest of your child at that time
7 and I appreciate that, and I think it's a novel decision.
8 And I hear you now worried about your deceased son's
9 rights. But the people opposed, I don't hear anyone
10 concerned about those adoptees' rights. And I've got to
11 tell you, it's disturbing.

12 I'm a stepfather. I'm the only father in my
13 oldest son's life. His biological father's reasoning I
14 don't know what they are, but he asks every day and he
15 thinks about it. But he has a birth certificate. He knows
16 who his father is. And it's a little less painful I think
17 because he does know, but he always has that question. And
18 he's now 22 years old. He has no interest in contacting
19 his father, but he knows who he is. He knows the name and
20 he's got the ability to go get a passport without issue.

21 The biggest thing that walks through my office
22 every single day is I need a long form, I need a long-form
23 birth certificate, I need a long-form birth certificate
24 every single day. So I'm going to support this bill.

25 Thank you.

1 MS. SCHULER: May I make a comment to what you
2 were saying about adoptees' rights? I think the adoptees
3 have the right to get their birth certificate and they've
4 always had that right. It's an amended birth certificate
5 but to get a passport, that's what you need. If you're
6 adopted, you know you need your amended birth certificate
7 because that's who your identity is. It is as if the
8 original birth certificate does not exist because the birth
9 parents listed on the original birth certificate are not
10 legally your parents. So in order to process your
11 paperwork, you need your long form, your amended birth
12 certificate, which gives you your adoptive parents' names.
13 That's your birth certificate.

14 REPRESENTATIVE SANTORA: Thank you.

15 MS. SCHULER: And also to add to that comment,
16 too, about adoptees' rights, I've always been involved with
17 adoptees' rights, and I look at that they've had this since
18 -- we could do this since 1984. Adoptees could come to the
19 court and agencies and ask for a search and ask for their
20 original birth certificate. So maybe that's not why it was
21 mentioned so much this morning because that has been in
22 effect. Act 101 just expanded that right to include birth
23 parents and birth family members. But adoptees have always
24 been able to seek out this information.

25 MS. TRANSUE-WOOLSTON: Can I just clarify? That

1 is actually not correct in terms of how we access our
2 passports. What the passport office looks at is the filing
3 date as opposed to the original birth date, and if there is
4 a great space between, which there could be. I mean I was
5 adopted a year after I was born despite being surrendered
6 into foster care. My birth state handled that by altering
7 the filing date of my amended birth certificate to be
8 closer to my birth even though I had no idea who my
9 adoptive parents were at that time. So I have not had a
10 problem getting a passport.

11 Those who do have a greater time between their
12 filing date and their birth date are denied for passports
13 if they cannot get their original birth certificate.

14 MS. LADO: And furthermore, yes, we can possibly
15 get our original birth certificates if we beg a judge to
16 file a court order, and I have never heard once of that
17 actually happening in Pennsylvania, so that's also false.

18 REPRESENTATIVE SANTORA: Thank you.

19 Mr. Chairman, I'm done with my questions.

20 REPRESENTATIVE MOUL: Thank you.

21 Representative Hill.

22 REPRESENTATIVE PHILLIPS-HILL: My original
23 question, thank you, Mr. Chairman, was answered.

24 Representative Santora asked the question.

25 So you have to go to court to be able to

1 obtain --

2 MS. LADO: That's correct. We have to --

3 REPRESENTATIVE PHILLIPS-HILL: -- the birth
4 certificate that you can get a passport with?

5 MS. LADO: Right. We have to make a request and
6 appear before a judge and basically state our reason. And
7 I have personally known people with serious medical issues
8 come in and say I need to know; I need my history; I need
9 my birth certificate and they've been denied.

10 MS. SCHULER: Can I -- oh, I'm sorry.

11 REPRESENTATIVE MOUL: Go ahead.

12 MS. SCHULER: Okay. I wanted to add, again,
13 linking the medical information with the original birth
14 certificate is misleading. The only way you're going to
15 get medical information is you actually contact that birth
16 parent and find out what's the medical information. So
17 your original birth certificate --

18 MS. LADO: Well, exactly.

19 MS. SCHULER: -- will give you a name and then
20 search for the --

21 MS. LADO: Right.

22 MS. SCHULER: -- birth parent but you're not
23 going to get your medical information.

24 MS. LADO: Well, and adoptees are perfectly
25 capable of making that search themselves rather than

1 relying on an intermediary who may or may not give them
2 what they need in order to speak with their birth parent to
3 get an updated medical history.

4 MS. SCHULER: I'm just trying to clarify what's
5 in the current statute now and what you can do. So you can
6 do that.

7 Additionally, a birth parent can go to Vital
8 Records, the Department of Health, and put a waiver on
9 there to give permission for their identity to be released.
10 So a lot of adoptees are asking, I want my original birth
11 certificate, but I think it should be that birth parents
12 should be -- it should be publicized a lot more. We have
13 had this since 1984 that a birth parent can sign a waiver
14 of consent for their name to be released. They can do
15 that. I don't know why when every time parental rights are
16 terminated the court is required to give them written
17 information about how to go about that. So I don't know
18 where the disconnect is that birth parents are not doing
19 this.

20 MS. LADO: Because it's not publicized enough and
21 they don't know about it. That's exactly why. And by the
22 same token, did a lot of birth parents know, if you
23 relinquished prior to 1985, that they went on thinking that
24 their children would be able to find them at age 18. And
25 my birth mother, which again, the story was I was conceived

1 by a rape, she was expecting me to call her at age 18. She
2 was wondering why it took me so long because she was
3 expecting contact.

4 And that works both ways. The laws can change
5 back and forth and you can publicize it a lot actually and
6 that's no guarantee that everybody's going to know about
7 it, and it certainly isn't --

8 MS. HOARD: I'd just like to say one thing about
9 the medical history. At the time that I relinquished my
10 son, you're 18, 19 years old, you don't have much medical
11 history. You've been fortunate up to that point.

12 My son when I finally contacted him -- he
13 originally started a search, but then he decided he didn't
14 want to have any contact. When I contacted him, he didn't
15 want to have any contact and I had to respect that. But
16 since that time, in the intervening years, I have had three
17 different types of cancer, and each time I have been able
18 to contact him just through letter just because I know
19 where he is, and pass this information on. I didn't have
20 to go to the State of Florida. I didn't have to go to some
21 government agency. I could contact him and tell him his
22 medical history as it was upgraded each time. And I think
23 that that's something that's very critical.

24 REPRESENTATIVE MOUL: Thank you.

25 We've got two lightning-round questions, first

1 from Representative Miller and then Representative Toohil.

2 REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

3 First of all, I'm very sympathetic and I'm more
4 inclined towards favoring this bill but I do have some
5 cautions. Number one, in the State of Pennsylvania, for
6 instance, certain bills that we pass that affect certain
7 people, when you go and establish a law and then change it
8 midstream, that affects the contract that we have with
9 people. So speak to me, whomever, about the concept that
10 we establish a set of guidelines for people and then
11 essentially a contract with the people about whether or not
12 they want to release their information and now changing
13 that midstream for those very people. Part of me is
14 wondering about that just as a caution related to this
15 bill.

16 MS. SCHULER: I'll answer that in the fact that
17 regardless of any of the thoughts about whether the
18 confidentiality was promised or not, it was absolutely
19 promised in 2011 by Act 101 being passed to both birth
20 parents and adoptees. So even as recently as 2011, if
21 somebody was found as part of a search case, they were then
22 once again promised that their confidentiality is safe. So
23 if this were to pass, we've got four years worth of search
24 and reunification cases where the people have been very
25 recently promised that they can still remain confidential

1 who will just now -- it's just too bad. It'll just be too
2 bad for them that even though four years ago, there years
3 ago, last week, they were promised their confidentiality.

4 REPRESENTATIVE MILLER: Okay.

5 MS. TRANSUE-WOOLSTON: If I could also answer
6 because I think the question was directed at the proponents
7 of the bill as to how we would answer these concerns in our
8 support of the bill. We're talking about the past 30 years
9 because prior to 1985 this was not an issue so there could
10 be no promises of confidentiality made in the same token
11 because this didn't exist in Pennsylvania.

12 Birth records are not sealed at relinquishment.
13 They're sealed upon adoption, which could be months or
14 years after an adopted person is born or when the parental
15 rights are terminated. So to promise confidentiality,
16 which is not the same as anonymity, when someone surrenders
17 their rights when there's no guarantee that child could be
18 adopted, which is what seals the birth record later, if
19 they go into foster care and they're never adopted, they
20 retain their original birth certificate. I think that's a
21 very precarious promise to make that is not legally founded
22 and I'm surprised that people admit that they made those
23 promises when signing the relinquishment is not what seals
24 the birth certificate. There's no guarantee that it will
25 be sealed. There's no guarantee that an adoption will take

1 place.

2 But is that a promise that anyone had a right to
3 make on my behalf? As a social worker, my job is to
4 protect the most vulnerable party when there's multiple
5 parties to a social service, whatever it may be. And the
6 most vulnerable client is the child. The primary client of
7 every adoption professional is the child. I could not say
8 I did not want my birth records sealed. I don't want to be
9 different than everyone else. I want the same access to my
10 birth record.

11 I'm a third-generation adoptee. This was not an
12 issue for my ancestors. I did not have a voice in that
13 proceeding. I did not consent to these decisions to be
14 made for me. So is it fair that the promises made that I
15 have to be held to for forever? I did not consent to this
16 situation.

17 REPRESENTATIVE MILLER: I understand that. This
18 is more from a State standpoint that those preceding us --

19 MS. TRANSUE-WOOLSTON: Right.

20 REPRESENTATIVE MILLER: -- made these laws and
21 established a contract with others and now we would then
22 change that contract midstream. Even if we were here
23 today, we wouldn't make that same law, but it was made and
24 now it's being altered potentially.

25 Thank you, Mr. Chairman.

1 REPRESENTATIVE MOUL: Thank you.

2 And one final very quick question, Representative
3 Toohil.

4 REPRESENTATIVE TOOHL: Okay. Thank you.

5 I'm an adoptive mother so I just want to put that
6 out there, and I have not gotten passports for my daughters
7 so I guess we'll see how that goes because we constantly
8 are doing birth certificates. And I've never actually had
9 an adoptee come into my office having a problem with the
10 passport and with that delay period. And that seems like a
11 tertiary issue from all of this. Like that's not the issue
12 that we're here with. We're here with a much more
13 emotional, divisive issue, and there's so much for each
14 case-by-case basis. So it's so hard when we try to apply a
15 law to all of these individual stories and all of these
16 individual cases. So I have a deep understanding of all of
17 that and I appreciate everything that everyone said for
18 that.

19 I wanted to ask just for clarification with
20 Mrs. Hoard because I did miss your testimony, so you were
21 saying that your son did not want to be contacted, your
22 biological son.

23 MS. HOARD: When I originally contacted the
24 agency, they gave me a lot of hope because they said that
25 he had been in touch with them a couple of years earlier.

1 And so then they reached out to him and he was no longer at
2 that address. So what happened was the agency, social
3 worker, called his home and spoke with his adoptive parents
4 about me coming into the picture and it upset the situation
5 very much. And so at that point on he did not want to have
6 any contact. I was able to locate him and he told me he
7 didn't want to have any contact.

8 So at that point once a year I'd send a little
9 note and say, here, I'm still interested if you ever are.
10 And at one point he wrote to one of my other children and
11 exchanged a few letters with her --

12 REPRESENTATIVE TOOHL: Okay.

13 MS. HOARD: -- but then that stopped, too.

14 REPRESENTATIVE TOOHL: Okay. So that was my
15 understanding, that your testimony is kind of against House
16 Bill 162 --

17 MS. HOARD: Oh, no, no, I'm --

18 REPRESENTATIVE TOOHL: Okay.

19 MS. HOARD: -- definitely -- no, I am supporting
20 162 because --

21 REPRESENTATIVE TOOHL: Okay.

22 MS. HOARD: -- my son had tried to find me, and
23 had he been in Pennsylvania -- the laws in Florida were
24 exactly the same so he got nowhere. Had the records been
25 unsealed, when he went to the agency in Florida, I would

1 have welcomed him with open arms. And so --

2 REPRESENTATIVE TOOHL: Okay. And so it just
3 kind of goes I think to the point, though, like when I'm
4 processing that, I look at it like the adoptive family,
5 your phone call is a nightmare to them, not yours
6 personally but in this case scenario, that phone call when
7 the phone rings can be a nightmare to an adoptive family,
8 it can be disruptive --

9 MS. HOARD: But he was --

10 REPRESENTATIVE TOOHL: -- and then also, not to
11 be harsh, but not in your case but with other families, say
12 you are that adopted child and who knows what you've gone
13 through with what you've been through in your life trying
14 to reach normalcy that perhaps if you say at this point I
15 don't want contact, but then you're still getting letters,
16 I look at it like that adoptee -- and I don't know if you
17 ladies look at it differently, but that adoptee is not
18 having a right because they're the one getting contacted
19 and they deny contact.

20 But if it was me, I don't know if I want to have
21 to refuse letters or get biological history letters. I
22 don't know. It's so different on a case-by-case basis. I
23 think it's so difficult.

24 MS. HOARD: Well, I think the situation with my
25 son was that he was 27 years old at the time when the

1 social worker contacted his parents. As far as I'm
2 concerned, they just went about it all wrong. That should
3 have been between my son and me. It should not have
4 involved anybody else because he was 27 years old.

5 REPRESENTATIVE TOOHL: Okay.

6 MS. LADO: And with 162 we're talking about
7 releasing original birth certificates at the age of 19.
8 We're not talking about some social worker calling and
9 disrupting the adoptive family, et cetera. And as for that
10 being described as a nightmare for adoptive parents, that's
11 what you signed up for. I mean when you adopt a child, you
12 know that they came from somebody else, and any loving
13 adoptive parent should be able to handle that because they
14 love their child and they want what is best for their child
15 and not force some kind of expectation of loyalty or have
16 their child walk on eggshells because they want to know
17 about their background.

18 And if somebody doesn't want to know, that's
19 perfectly fine. Under 162, you never have to request your
20 original. That's totally fine. Or if you don't want to
21 actually find your birth parents, you can just have a name.
22 You can go on ancestry and build your family tree without
23 having to deal with the interpersonal part of that.

24 So to me 162 gives the adult adoptee the freedom
25 to go at the pace they see fit and handle their own life as

1 they see fit. And as Carolyn alluded to, when you have a
2 third party involved, they can't help but have their own
3 judgments enter into the search and how it goes. And there
4 are often, often missteps.

5 Our friend Cindy couldn't make an appearance
6 today. She went through York County for her search and
7 Ms. Bornman handled her search, and her birth parents
8 denied contact and some of the emails she sent to me were
9 just -- Ms. Bornman is admittedly not a birth parent, not
10 an adoptee, could not have the least bit of understanding
11 how this actually feels. And one of the emails said, "Once
12 again, I'm very sorry that your birth parents were not open
13 to having contact. How disappointing that must be for you.
14 It must have been a really tough experience for both of
15 them. They both seem as though they're kind people, though
16 they were willing to give medical information. Hopefully,
17 once they are deceased, you will be able to meet your
18 siblings and receive pictures and information from them."
19 So basically maybe when your birth parents die you can
20 possibly know who your siblings are.

21 And then she goes on to say, "I have a picture of
22 your birth father. He has a kind-looking face, blue-eyes,"
23 et cetera, and basically is describing the picture but
24 because there was no consent, Cindy couldn't have the
25 picture. And basically what you have is a professional

1 kind of forced by law basically to taunt an adoptee with
2 bits and pieces of information that they could have if they
3 just had a name and she could have gone on the internet and
4 viewed that picture herself and said, okay, that's fine and
5 life would have gone on.

6 And further down the road she writes Cindy and
7 says, "I wanted to let you know I was thinking about you
8 today. I have another lady considering having me search
9 for her father, like I just feel like I want to discourage
10 her from doing so. Dads rarely cooperate. I don't
11 understand why not participating feels like the right thing
12 to do on many levels. The information" --

13 REPRESENTATIVE MOUL: Kristi --

14 MS. LADO: -- "will come out someday." So you're
15 talking about a searcher that is basically touting the
16 professionalism of these supposedly trained searchers that
17 are supposed to handle themselves professionally and she's
18 sharing with one adoptee the search of another adoptee.
19 No, there were no names exchanged but --

20 REPRESENTATIVE MOUL: Thank you.

21 MS. LADO: I'm sorry. This is insulting. It's
22 insulting to us. It's insulting.

23 REPRESENTATIVE MOUL: Thank you for --

24 MS. LADO: We should be able to have --

25 MS. BORNMAN: I'm not sure how appropriate it is

1 to take comments out of context and talk about how I
2 counsel someone who's been disappointed. But really, you
3 guys, really and truly, even though this bill is to open
4 records for adoptees, that's not who we really should be
5 talking about today. We should be talking about the people
6 who will be directly and dramatically impacted by giving
7 their private information away.

8 REPRESENTATIVE MOUL: Thank you very much. I
9 must end this. We are 15 minutes late for being on the
10 House Floor. I apologize that we don't have an extra hour
11 or two for a round-table discussion. I appreciate --
12 you're all shining stars in my mind.

13 I'll finish with just a thought that I've gained
14 from this. I'm wondering who's trauma is more important,
15 the parents who put their child up for adoption or the
16 child who was adopted that goes through their life with a
17 void of not knowing. I haven't figured that one out yet,
18 who we're trying to protect, but maybe at a later
19 discussion.

20 But thank you. Thank you all for attending, your
21 testimonies. This hearing for House Bill 162 is now
22 adjourned. Thank you.

23
24 (The hearing concluded at 11:13 a.m.)

1 I hereby certify that the foregoing proceedings
2 are a true and accurate transcription produced from audio
3 on the said proceedings and that this is a correct
4 transcript of the same.

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