

**MINUTES OF THE
SENATE COMMITTEE ON JUDICIARY**

**Seventy-third Session
April 13, 2005**

The Senate Committee on Judiciary was called to order by Chair Mark E. Amodei at 8:09 a.m. on Wednesday, April 13, 2005, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4406, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Mark E. Amodei, Chair
Senator Maurice E. Washington, Vice Chair
Senator Mike McGinness
Senator Dennis Nolan
Senator Valerie Wiener
Senator Terry Care
Senator Steven Horsford

GUEST LEGISLATORS PRESENT:

Assemblywoman Chris Giunchigliani, Assembly District No. 9

STAFF MEMBERS PRESENT:

Nicolas Anthony, Committee Policy Analyst
Brad Wilkinson, Committee Counsel
Johnnie Lorraine Willis, Committee Secretary

OTHERS PRESENT:

Nancy M. Saitta, Department 18, Eighth Judicial District
Joseph A. Tommasino, Attorney, Las Vegas Justice Court
Paula Berkley, Nevada Network Against Domestic Violence
Kim Spoon, Guardianship Services of Nevada, Incorporated
Dennis Travers, Guardianship Services of Nevada, Incorporated
Henry Cavallera, Attorney

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Patricia Trent, Attorney

Dara Goldsmith, Attorney

Lois Reed

Ramont Williams, Director, Project Safe Neighborhood, Guns R Not Toys, Office
of the U.S. Attorney

Imam Mujahid Ramadan, National Association for the Advancement of Colored
People; Caucus of African-American Nevadans

Shawn Smith

Jason Ferrell

Ralph McIver

Jerome Lewis, Business Agent, Republic Services; Teamsters Local 631

Joe Resendis

Gillian Stover

Clarence Long

Ocie Gwin

Lucille Lusk, Nevada Concerned Citizens

Kristin L. Erickson, Nevada District Attorneys Association

Lee Allen, National Council For Adoption

Pamela Ponsart

Lisa Moore, Nevada Open

Cheryl Thornten

Janet Nordine

Beverly Salhanick, Attorney, Nevada Trial Lawyers Association

Nina Anne M. Greeley, Bastard Nation

Richard Rinker

Caryn Hansen

Wayne Keele

Delilah Proctor

Bonny Thornton

Angela B. Wolz

Melissa Clement, Nevada Right to Life

Carlita Ray

Rickey L. Perry, Director, LDS Family Services

Amy Turner

Megan Jones

Helen A. Foley

V. Robert Payant, Nevada Catholic Conference; President Emeritus, National
Judicial College

Jean M. Uhrich, Nevada Open

Patricia Hunter

Chair Amodei opened the hearing on Senate Bill (S.B.) 450.

SENATE BILL 450: Makes various changes to provisions governing temporary and extended orders for protection against stalking, aggravated stalking, harassment and domestic violence. (BDR 15-1407)

Nancy M. Saitta, Department 18, Eighth Judicial District, said S.B. 450 was a cleanup bill which came as a result of a committee formed by the Nevada Supreme Court to standardize the forms used in stalking and harassment cases in the State. Judge Saitta said the legislative plan should be standardized if the forms were being standardized.

Joseph A. Tommasino, Attorney, Las Vegas Justice Court, gave the Committee a written list (Exhibit C) of proposed amendments to S.B. 450. He said there were four different types of criminal stalking protection orders (CPOs) and they were stalking, harm to minors, domestic violence and workplace harassment. He asked the summary of S.B. 450 be changed to include recognition that changes were being made to the orders for protection of children. He said the original intent of the bill was to include a catch-all provision which would allow a judge to impose miscellaneous relief for the victim of stalking. He said similar language was in existence for domestic violence and workplace harassment statutes. He said the language was inadvertently left out of section 1 and asked that it be placed back into the bill. He said another proposed amendment related to service of temporary protective orders (TPOs). Mr. Tommasino said the service requirements in S.B. 450 were different than what was currently in statute. He said the current language related to workplace harassment and domestic violence, and required service had to be done pursuant to Nevada Rules of Civil Procedure. He said the language in S.B. 450 changed the service requirement to be pursuant to rule of court. He said his main concern was ensuring there were not two sets of service standards for TPOs.

Senator Care asked what the intended legal impact was for deleting the word "reasonable" and adding the word "probable" to section 2, subsection 2 of S.B. 450. Mr. Tommasino said two other statutes used the word "probable" and the change was to make the language consistent with the existing statutes.

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Paula Berkley, Nevada Network Against Domestic Violence, spoke in support of S.B. 450 and provided a written statement from the Nevada Network Against Domestic Violence also in support of the bill ([Exhibit D](#)).

Chair Amodei closed the hearing on S.B. 450 and opened the hearing on S.B. 353.

SENATE BILL 353: Makes various changes to provisions governing guardianships. (BDR 13-462)

Kim Spoon, Guardianship Services of Nevada, Incorporated, said S.B. 353 had been drafted because private guardianship businesses were a growing industry, and there was concern over the need for credentials among those who would watch over the most vulnerable people. She said the guardianships primarily watched over adults who were mentally ill or disabled and seniors incapable of managing their own affairs. She said existing statutes contained no language regarding guardians to hold any credentials and that needed to be changed. She said S.B. 353 would require parties to be registered or master guardians certified through the National Guardianship Foundation. Ms. Spoon explained section 9 of S.B. 353 should have been bolded and italicized because it was a transitory provision put into the bill, but it had been missed because the font was not indicative of that. She said the current bill was too rigid because it took a year of training to become a registered guardian. The bill did not allow for a person in training to work as a private guardian. She said she did not want to prevent people from training because of the length of time. Ms. Spoon asked for a provision to be put into S.B. 353 which would allow someone in training to be able to work, under supervision, as a private guardian until he or she was registered. She also requested a provision be put into the bill to give judges discretion over guardian credentials, especially for those in the rural areas where the numbers of guardians are limited and some have multiple cases.

Dennis Travers, Guardianship Services of Nevada, Incorporated, spoke in support of S.B. 353. He said it would be a positive thing for the State to have standards in place for guardians.

Senator Wiener asked if the provision in the bill concerning "two or more wards" was cumulative or if it was two or three wards at any one time. Mr. Travers said the provision concerned two or more wards at any one time.

Henry Cavallera, Attorney, spoke in support of S.B. 353. He said judges were always trying to find people to be guardians. He said trust companies should be exempt from S.B. 353. He also suggested certified public accountants be exempt because they had an understanding of their clients' needs and individual situations. He said exempting those people would allow judges in rural areas more flexibility in circumstances regarding guardians.

Senator Care asked if there were any groups qualified as guardians under the existing statute that should not be guardians. He asked if the bill was aimed at any specific group of people acting as guardians. Mr. Cavallera said referrals for guardians came from hospitals because family members either did not respond to hospital pleas or were not in-state at the time. Mr. Cavallera said there were no groups targeted by the bill. He explained the bill was aimed at trying to get a handle on potential abuse issues before they occurred. Mr. Cavallera said S.B. 353 would require those who watched over the most vulnerable people to be trained properly.

Ms. Spoon said S.B. 353 was just a start, as there was a national effort occurring to standardize guardianship credentials throughout the states. She said the National Guardianship Association was developing programs to address these issues and hoped Nevada would be able to participate in those programs in the future.

Patricia Trent, Attorney, spoke in favor of S.B. 353. She said it was important to institute standards for private guardians. Ms. Trent said she agreed with Mr. Cavallera's suggestion to make trust companies exempt from the bill, but those companies might be the only entities that would come forward if there was not a lot of money involved in the guardianship. She said there were many professionals who could be exempted such as accountants, those who deal with Medicaid issues and others. She said it would be important to ensure a provision was placed in S.B. 353 to allow judges discretion when faced with cases where a professional who was not licensed as a master guardian, but still had detailed knowledge of a client's issues, to waive the requirement. She said there were a couple of issues she wanted changed in the bill. She said:

... Section 5 ... indicates that a petition ... filed by a private professional guardian ... is to offer proof that the guardian meets the requirements in section 3, meaning that they are registered as a guardian, or that they are a master guardian. I would suggest ...

that proof is not forthcoming when the petitioner is just a private guardian that is not a registered or master guardian ... that they verify that they are not currently serving as a guardian for more than two other wards ... Obviously, you would want to have some verification that they are not falling outside the requirements of the statute.

Ms. Trent said a subsection should be added to S.B. 353, section 3, which would add private professional guardians who have offered proof that they meet the requirements of section 3.

Dara Goldsmith, Attorney, said she agreed with the previous speakers about S.B. 353, but had an additional concern. She said there are times when newborn babies in hospitals require blood transfusions and the parents may not consent due to religious beliefs. She said the babies are still under the care of the hospital, but the hospital might need to be granted temporary guardianship to give the baby the transfusion. She said the issue needed to be addressed in the bill in order to ensure infants that need that type of care are able to receive it. Ms. Goldsmith said she supported the bill as an important first step in ensuring guardians are properly licensed.

Chair Amodei closed the hearing on S.B. 353 and opened the hearing on S.B. 360.

SENATE BILL 360: Revises provisions relating to convicted persons.
(BDR 14-911)

As one of the bill's proponents had not yet arrived, Chair Amodei closed the hearing on S.B. 360 and opened the work session on S.B. 450.

SENATOR WIENER MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 450.

SENATOR CARE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR WASHINGTON WAS ABSENT FOR THE VOTE.)

Chair Amodei opened the hearing on S.B. 360.

Senator Horsford began his presentation ([Exhibit E](#)) on S.B. 360 and said the Declaration of Independence stated that all men were created equal, but current law did not live up to those ideals. He said the *Constitution of the State of Nevada* further stated the ideals set forth in the Declaration of Independence, in that all men had certain unalienable rights. He said the Constitution further stated that individuals convicted of a felony were not allowed to vote unless their rights had been restored. He said S.B. 360 would restore those rights. Senator Horsford said there were currently 47 million adults who had lost their right to vote as a result of a felony conviction. He said at the current rate of convictions in the State of Nevada, the number of disenfranchised voters will only increase over time.

Assemblywoman Chris Giunchigliani, Assembly District No. 9, said progress had been made between the 72nd Legislative Session and the 73rd Legislative Session over civil rights of ex-felons. She said there were problems with the voter registrars because there was no documentation possessed by the ex-felon. Assemblywoman Giunchigliani said S.B. 360 would remove the documentation requirement. She said there were currently two classes of citizens as a result of existing statute and the bill would fix that as well. She said a component in the bill would address the issue of dishonorable discharges. She said a problem existed when indigent people were released from prison but were then unable to pay their fines; those people would then receive dishonorable discharges and would not be able to restore their right to vote. She said S.B. 360 would provide for dishonorable discharges in similar circumstances and provide the means to restore voting rights. She gave the Committee a document demonstrating what different states do concerning ex-felons and voting rights ([Exhibit F](#)). She then gave the Committee an article titled, "Free From Prison, But Still Paying a Penalty" ([Exhibit G](#)). Ms. Giunchigliani said the current situation prevented ex-felons from becoming a part of society again.

Senator Wiener asked if information was being given to ex-felons who had been out of prison for a length of time in order that they would know how to restore their rights. Assemblywoman Giunchigliani said 400 ex-felons were registered to vote in the 2004 election cycle through the Progressive Leadership Alliance. Assemblywoman Giunchigliani said a booklet had been put together for

ex-felons to understand their rights. She said a request had been made to Jackie Crawford, Director, Nevada Department of Corrections, to inform the ex-felons of their rights upon release from prison.

Senator Horsford explained the provisions of S.B. 360 using [Exhibit E](#). Chair Amodei asked if any of the voter registrars were going to testify on the issue of the documentation-requirement provision in the bill. Assemblywoman Giunchigliani said the registrars had planned to be at the Committee meeting, but they were unable to be there. She said ex-felons recently released from prison received documentation, but that did not address older ex-felons. Senator Horsford continued his presentation of [Exhibit E](#). He said the current laws were an injustice to the ex-felons and asked the Committee to pass S.B. 360.

Senator Nolan asked if there had been a follow-up study conducted to learn how many people actually had their civil rights reinstated. Assemblywoman Giunchigliani said a study was currently being done, but the language in S.B. 360 concerning the documentation requirement would help the process move forward. Senator Nolan said the problem was that the civil penalties were part of a felon's sentence. He said he did not have a problem with trying to ensure the success of ex-felons in society, but those civil penalties were a part of the overall sentence. Senator Nolan referred to the term, "40% of black men may lose the right to vote," in [Exhibit E](#) and asked Senator Horsford where that number came from. Senator Horsford said the number of 40 percent came from a national organization that dealt with restoring ex-offender rights. He said in states that disenfranchise ex-offenders, as many as 40 percent of African-American males may be disenfranchised from their right to vote. Senator Nolan asked if the definition of "disenfranchisement," as Senator Horsford was using it, meant an ex-offender lost his or her right to vote per the civil penalty on his or her felony sentence. Senator Horsford said that was the definition he was using.

Assemblywoman Giunchigliani said an ex-felon who was dishonorably discharged would still have to pay his or her civil penalties, but under S.B. 360 would still retain the right to vote. Senator Nolan asked how many Nevadans the bill would affect. Ms. Giunchigliani said she would try to get that number to Senator Nolan. She said there was an error in the drafting of S.B. 360 that did not mirror the actual times when civil rights were restored, and she asked for that error to be addressed.

Senator Wiener asked if the Committee could get some statistics on ex-felons in other states who were having their civil rights restored, as Nevada had a high transient population from other states. Assemblywoman Giunchigliani said she would try to get the Committee that number.

Lois Reed spoke in favor of S.B. 360. She said she had paid her debt to society and urged the Committee to restore her civil rights.

Ramont Williams, Director, Project Safe Neighborhood, Guns R Not Toys, Office of the U.S. Attorney, spoke in favor of S.B. 360. He said he had encountered many discriminatory practices due to his status as an ex-felon. He said if he was paying taxes in society, he should be able to vote. He said once a prison sentence was served, an ex-felon should not be penalized further.

Imam Mujahid Ramadan, National Association for the Advancement of Colored People; Caucus of African-American Nevadans, spoke in support of S.B. 360. He said the bill addressed new ground made by A.B. No. 55 of the 72nd Legislative Session. He said S.B. 360 would complement various programs in the correctional system. He said disenfranchisement of young African-Americans would disallow a large portion of the American population from participating in the democratic system, and that would be an injustice.

Shawn Smith spoke in support of S.B. 360.

Jason Ferrell spoke in support of S.B. 360.

Ralph McIver spoke in support of S.B. 360.

Jerome Lewis, Business Agent, Republic Services; Teamsters Local 631, spoke in favor of S.B. 360. He said many ex-felons did not know that their civil rights could be restored. He said the bill would allow people to regain access to the American Dream. He urged the Committee to support and pass S.B. 360. Senator Nolan asked if there were any other organizations besides Republic Services that could assist ex-felons in learning more about restoration of civil rights. Mr. Lewis said the Progressive Leadership Alliance of Nevada in Southern Nevada had contributed greatly, as well as the National Association for the Advancement of Colored People. He said the voter registrars also helped by establishing registration booths and demonstrating how the new voting machines worked.

Mr. Smith said having his civil rights restored would help his reentry into society. He said without his rights, he would still be successful, but S.B. 360 would help him overcome many of the barriers he had faced since his release from prison. Chair Amodei asked what last step Mr. Smith needed to complete. Mr. Smith said having his civil rights restored was his final step to come full circle in reintegrating into society.

Mr. Ferrell said he had faced difficulty in obtaining employment because of his ex-felon status. He said the barriers faced by ex-felons may cause some to revert to crime. He said S.B. 360 would help ex-felons become productive members of society. Senator Horsford asked why recidivism was the option selected by many ex-felons when their civil rights were not restored. Mr. Ferrell said recidivism occurs because of frustration.

Mr. McIver said he had faced difficulty finding employment at times because of his past. He said many employers found him to be qualified, but they did not give him the jobs because he had been to prison. He said many become frustrated because the bills never stop coming in and families need to eat so many turn back to crime in order to survive.

Joe Resendis spoke in support of S.B. 360. He said applying for anything, including apartments, was filled with roadblocks due to his ex-felon status.

Gillian Stover spoke in support of S.B. 360. She said a felony is what she did and not who she was. She said she was highly qualified for many jobs, but when employers saw that she had been convicted of a felony, they immediately found a reason to disqualify her. She said she had helped candidates in elections during the 2004 election cycle, but she wanted to be able to vote for someone if she wanted to.

Clarence Long spoke in favor of S.B. 360. He said the residual effects of being an ex-felon do not go away. He said his self-esteem would be higher if he was allowed to be a full citizen again. He said having the label of an ex-felon was a hindrance to a normal life. Senator Horsford asked how many people S.B. 360 would positively affect. Mr. Long said if an ex-felon were able to get a job without having to have the stigma of being an ex-felon, it would be less likely he or she would revert back to a life of crime.

Ocie Gwin spoke in favor of S.B. 360. He said being released from prison with no identification or money made life difficult. He said obtaining a new identification card costs money, and with no money, it was impossible to get one. He explained that with no identification card he was unable to get a job.

Lucille Lusk, Nevada Concerned Citizens, said she was opposed to general restoration of civil rights to ex-felons who were dishonorably discharged. She said those people had not fully paid their debt to the victims or to society and did not deserve to be rewarded. She said S.B. 360 offered a good starting point to find a proper balance. She offered the Committee proposed amendments to S.B. 360 ([Exhibit H](#)). She said ex-felons must demonstrate that they accept the responsibility for their actions by paying restitution to the victims before expecting their civil rights to be restored. Ms. Lusk said it was important to not forget the direct impact made upon the lives of the victims by the ex-felons' decisions to break the law. She said individuals who received a dishonorable discharge, typically, were economically able to make restitution payments, but chose not to pay. She said the issue of presenting documentation to voter registrars in order for ex-felons to vote was important because the registrars would have no way of knowing which ex-felons had had their rights restored. She said she understood the need for ex-felons to become integrated back into society, but the line was crossed when granting rights to those ex-felons who did not complete the responsibilities stemming from their actions.

Kristin L. Erickson, Nevada District Attorneys Association, spoke in opposition to S.B. 360. She said felons' registration rights had been greatly relaxed in the 72nd Legislative Session. She said there were many felons who currently were not required to register. She said civil rights had been greatly expanded during the 72nd Legislative Session. Ms. Erickson said S.B. 360 expanded the pool of felons who would be able to have their rights restored and relaxed the requirements for a felon to have his or her records sealed. She explained it was difficult for someone to receive a felony conviction as a first offense. She said it was the person who committed numerous criminal acts who typically received a felony instead of a gross misdemeanor. She emphasized it was important to not forget the victims in the process.

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Chair Amodei closed the hearing on S.B. 360 and opened the hearing on S.B. 446.

SENATE BILL 446: Allows certain persons to access files and records relating to their adoption or birth and eliminates State Register for Adoptions. (BDR 11-709)

Chair Amodei introduced a series of exhibits to the Committee: testimony from Lisa Moore on behalf of Nevada Open ([Exhibit I](#)); testimony from Jean M. Uhrich ([Exhibit J](#)); testimony from Pamela Burdick Ponsart ([Exhibit K](#)); testimony from Nina Anne M. Greeley on behalf of Bastard Nation ([Exhibit L](#)); a paper titled "Consent Versus Coercion: How SB446 Harms Adoption" ([Exhibit M](#)); a newspaper article from an unidentified newspaper titled "Child Loser in 'Private' Adoption" ([Exhibit N](#)); the Nevada Adoption Records Statute History ([Exhibit O](#)); a document from the Child Welfare League of America titled CWLA Standards of Excellence in Adoption ([Exhibit P](#)); a paper titled "Nevada Sealed Adoption Records Timeline" ([Exhibit Q](#)); a position paper by Mothers for Open Records Everywhere ([Exhibit R](#)); a letter from Bastard Nation ([Exhibit S](#)); a letter from the Evan B. Donaldson Adoption Institute ([Exhibit T](#)); a list of members in the Nevada Open Coalition ([Exhibit U](#)); testimony from Janet Nordine ([Exhibit V](#)); a press release titled "Adopted Children Should Be Able to View Adoption Records, Says New Survey by FindLaw" ([Exhibit W](#)); a letter addressed to Pam Hasegawa ([Exhibit X](#)); a statement from the National Adoption Information Clearinghouse ([Exhibit Y](#)); a paper from the National Right to Life ([Exhibit Z](#)); a paper titled "Abortion Data: Pre and Post Opening of Adoptee Records" ([Exhibit AA](#)); a paper titled "Why Birthparents Have No Expectation of Anonymity" ([Exhibit BB](#)); a packet titled "Consent to Adoption" ([Exhibit CC](#), original is on file at the Research Library); a letter from Raymond Wilcock ([Exhibit DD](#)); a statement from the Nevada Catholic Conference ([Exhibit EE](#)); and written testimony from Richard Rinker ([Exhibit FF](#)).

Lee Allen, National Council For Adoption, said S.B. 446, if passed, would harm the institution of adoption in Nevada. He said the bill would disrupt and harm the lives of many innocent people. He said very few states had adopted similar legislation. He said since 2001, 13 states had considered more than 27 similar types of legislation and, with the exception of New Hampshire, all had failed.

He said if S.B. 446 were passed, the trend toward abortion would continue in the State. Mr. Allen said mutual consent, which was already in Nevada law, is the only fair standard for the sharing of identifying information and facilitating contacts between adopted persons and their birth parents.

Pamela Ponsart said she was a birth mother who had given her daughter up for adoption in 1962. She said she was never promised any confidentiality and always thought her daughter would be able to find her. Ms. Ponsart said she had found her daughter, and because of that, her daughter was able to have access to her medical history and family history. She said the time had come to end the secrecy between birth parents, adoptive parents and the children. She said the rest of her statement was submitted as [Exhibit K](#). She urged the Committee to pass S.B. 446.

Lisa Moore, Nevada Open, spoke in support of S.B. 446. She proposed an amendment on behalf of Nevada Open to S.B. 446. She said the amendment would be in regard to a contact preference form, to be filed by the birth parent with the state registrar stating whether he or she wanted to be contacted by the child. She said a medical history form could also be filed by the birth parent in conjunction with the preference form. She said the contact preference form and medical history form were already being used in Oregon, Alabama and New Hampshire successfully. Ms. Moore said Nevada Open no longer favored replacing the Nevada Adoption Registry with the contact preference form, and she said she believed both would work well together.

Cheryl Thornten said she had given her daughter up for adoption and signed up for the Registry. She said many birth mothers did not do this because they might not want to come in contact with their birth children. She said many mothers gave up their children for adoption, changed their lives and moved on. She said the existing Registry was the preferable way to keep things for birth mothers.

Janet Nordine said she was an adoptee born at a time when records were open to adopted children, and later those records were sealed. She said the records issue was a rights issue and not a reunion issue. She said she hoped S.B. 446 would be passed and restore rights to all adopted people in Nevada. She said she also supported the Registry and saw no reason to close it. She said she also supported the proposed amendment brought forth by Nevada Open to S.B. 446.

Beverly Salhanick, Attorney, Nevada Trial Lawyers Association, said there had been a number of bills before the Legislature in the 73rd Legislative Session promoting personal privacy. She said S.B. 446 reduced personal privacy because it would allow adoptees to seek a petition, with no basis, to open records. She said it would eliminate the choice birth parents have had in the court system. She said the system allows the court discretion on what can be opened, and adoptees must provide a reason for opening court records. She said there was a potential for retroactivity because there was no limitation in the bill. Ms. Salhanick said the elimination of the Nevada Adoption Registry would hinder reunification. She said the Registry contained more information than a private agency would, and while the Registry would remain intact, there was no guarantee that a private agency would. She said the Registry records were current, but the adoption file was not current. She said the Nevada Trial Lawyers Association opposed S.B. 446 and asked the Legislature to retain the existing Registry.

Nina Anne M. Greeley, Bastard Nation, said the existing law discriminated against adult adoptees because they had to go through a costly and time-consuming process in order to access their own records. She said a person who was given up for adoption, but was not adopted, did not have a similar experience. She said there was no rational basis for the existing law. She said the reason most commonly given for the existing law is confidentiality for the birth mother. Ms. Greeley said any state agency or government agency that promised confidentiality to birth mothers at the time of relinquishment of the children could not have done so in good faith. She said the birth certificate and birth records were not sealed unless and until the child was adopted. She said under those circumstances, there could not have been a valid, legal promise of confidentiality to the birth mothers. She said it was not a violation of privacy to release an adoptee's personal information to the adoptee. She said the existing laws were outdated and discriminated against an adoptee's human and civil rights.

Richard Rinker asked what the people who opposed S.B. 446 had to lose. He said social agencies currently responsible for providing adoptions desperately wanted the records sealed, and he did not know why. He said research had shown there was no correlation between allowing adult adoptees access to their records and increases in abortion records. He said they were two separate issues.

Caryn Hansen spoke in opposition to S.B. 446. She said the bill would infringe on the rights of birth mothers, prevent some birth mothers from entering into the adoption process, and would violate previous agreements between birth parents and adoptive parents. She said every birth mother deserves the right to choose what information is shared with adoptees and when it will be shared. She said the existing law should remain intact. Ms. Hansen said no two adoptions were alike, and laws pertaining to the openness of adoption should not be universally legislated across the board.

Wayne Keele said eliminating the existing Registry would create an ethical dilemma for social workers because they would tell the birth mothers their information was confidential when it actually was not. He said the existing State Registry provided mediators who could facilitate contact between birth mothers and their children rather than just a surprise meeting. He urged the Committee to vote against S.B. 446.

Delilah Proctor said she had placed her two boys for adoption and had signed up with the Registry. Her two boys would be able to contact her if they wanted to find her. She said if the Registry were eliminated, her children would be able to find her sooner, but would also allow her brother, put up for adoption by their mother, to locate and contact his birth mother. She said because nobody else in her family was aware her mother had placed her son into adoption, her mother would have a lot of explaining to do if S.B. 446 were passed. She said some families were not in good circumstances for S.B. 446 to pass. She said the Nevada Adoption Registry was in place to protect the children and the birth parents. She said S.B. 446 removed the idea of mutual consent, and she hoped mutual consent would remain intact.

Bonny Thornton said the Registry was a good thing for children because when they turned 18 years old, they would be able to search for their birth parents. She said learning that information before the age of 18 would create problems within the adoptive family. She said she hoped the Registry would remain intact, and she urged the Committee to vote against S.B. 446.

Angela B. Wolz spoke against S.B. 446 using a prepared statement ([Exhibit GG](#)).

Melissa Clement, Nevada Right to Life, spoke against S.B. 446 using a prepared statement ([Exhibit HH](#)).

Carlita Ray spoke from a prepared statement ([Exhibit II](#)). She said she wanted to see documentation of the "alleged" idea that birth parents do not want to see their birth children. She said there was nothing in her birth mother's records that promised privacy after she was adopted. She said the only thing that was stated in her birth mother's records was a relinquishment of parental duties. Ms. Ray said if S.B. 446 was not passed, the message would be that adoptees did not deserve to find out about their history because there would be a chance of them showing up on the birth parent's doorstep.

Rickey L. Perry, Director, LDS Family Services, said his agency was gravely concerned about S.B. 446 and urged the Committee not to pass it. He said promises made to birth mothers in the past would be violated by the passage of the bill. He submitted a written statement and supplemental documents to the Committee for review ([Exhibit JJ](#)). He said many mothers who came to his agency to give up children for adoption would register on the Registry, but many did not. He said the mothers who do not register often have good reasons for not doing so.

Amy Turner said she was an adoptive mother of two daughters. She asked the Committee to vote against S.B. 446. She said she supported the mutual consent aspect of the adoption registry. She said if S.B. 446 were passed, it would discourage many mothers from giving up their children for adoption. She said birth mothers have the right to privacy, and if they chose not to have contact with their children, it was their choice. She said she understood the need for medical histories for birth children and because of that she supported Assembly Bill (A.B.) 50.

ASSEMBLY BILL 50: Makes various changes concerning State Register for Adoptions. (BDR 11-674)

Ms. Turner said A.B. 50 would allow birth children to retrieve medical information through the Registry and maintain birth mothers' privacy rights.

Megan Jones said she was an adoptive mother. She said her testimony was very similar to Ms. Turner's testimony. She said she respected birth mothers' privacy rights. She agreed with Ms. Turner regarding A.B. 50, and said the bill

would allow children to get their medical histories without violating the privacy and confidentiality of birth parents. She urged the Committee to vote against S.B. 446 and explore other avenues to reach the goals of the proponents of the bill.

Helen A. Foley said she was representing herself in the meeting and was not speaking as a lobbyist. She said when she had gone through her adoption classes, she was encouraged to have as open an adoption as possible. She said she sympathized with the adoptees who did not know their own histories. She said her concern with S.B. 446 was that an open record was more than just a name. She said a record contained the life history and even criminal records. Ms. Foley said there were often troubling reasons why mothers gave their children up for adoption. She said it was difficult to simply give an 18 year old his or her parents' records, with all of the good and bad information, without any counseling and expect the child to deal with it. She said it would be inappropriate to completely open the records on birth parents.

V. Robert Payant, Nevada Catholic Conference; President Emeritus, National Judicial College, said his organization dealt with adoption services. Judge Payant spoke against S.B. 446. He said when he served as a judge in the family court, he had an opportunity to hear adoption consent cases. He said many of the birth mothers were promised privacy and anonymity.

Ms. Lusk said no one has the right to someone else's records. She said court records of an individual often contain very detailed and personal information. She said the proposed contact-preference-form amendment to S.B. 446 would not fix the problems of the bill because it was not binding.

Jean M. Uhrich, Nevada Open, said S.B. 446 should not be confused with reunion. She said the issue was about equal rights for adults. She read various statements from her written testimony in [Exhibit J](#). She said the State had a duty to treat all citizens fairly and equally. She asked the Committee to pass S.B. 446.

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Patricia Hunter spoke in support of S.B. 446. She said she was a birth mother of an adoptee, and she was never promised confidentiality. She said she had never told anyone about giving her son up for adoption. She said her son had found her in 2003. She said she never cared about confidentiality, and she did not think secrecy could be promised in the current information age. Ms. Hunter said children should not be denied their medical histories.

Chair Amodei closed the hearing on S.B. 446 and adjourned the meeting of the Senate Committee on Judiciary at 10:59 a.m.

RESPECTFULLY SUBMITTED:

Jonathan Sherwood,
Committee Secretary

APPROVED BY:

Senator Mark E. Amodei, Chair

DATE: _____