



April 22, 2004

Children, Youth and Families Committee  
Nevada State Legislature  
401 South Carson Street  
Carson City, Nevada 89701-4747

To the Honorable Senator Rawson and Members of the Children, Youth and Families Committee,

Nevada Open and our Coalition Partners wish to thank you for taking up for study, during the 2004 Interim Session, those issues brought forward in Senate Bill 267 in the 2003 Legislative Session; specifically, an adult adoptee's right to unrestricted access to their state held birth and adoption records.

We especially wish to thank Senator Maggie Carlton who, on March 20 2004, graciously heard hours of testimony on the subject of post-adoption in Nevada. Written testimony and extensive exhibit materials, including citation of Nevada Revised Statute, studies, statistics, polls, and court documents, were presented.

At this time, we desire to supplement the official record with several updates to those materials presented on SB 267 to the Senate Committee on the Judiciary, so that this committee may have the benefit of most current data, as you continue your good work.

Therefore, we submit:

- 2002 Abortion Data on the Great State of Alabama
- 2003 Contact Preference Form (CPF) Data on the Great States of Oregon and Alabama

We trust that these submissions, and their accurate source citations, will alleviate any concerns raised by opposition on March 20<sup>th</sup>, 2004 regarding abortion and secrecy.

Nevada Open seeks to clarify that our intent is to repeal 1953 and 1973 statute and restore Adult Adoptee access to state held records, now housed at Vital Records and the Courts of adoption finalization. We submit a listing of those documents which we believe to be housed in those files. This compilation is based on: Nevada Revised Statute, actual unsealed court records, and interview with the Nevada State Office of Vital Records.

EXHIBIT	Childfam	Document consists of 14 pages
<input checked="" type="checkbox"/>	Entire document provided.	
<input type="checkbox"/>	Due to size limitations, pages _____ through _____ provided.	
A copy of the complete document is available through the Research Library (775-684-6827 or e-mail: library@icb.state.nv.us).		Meeting Date 4-22-04

We do NOT seek access to or for:

- files housed at licensed private agencies or private attorneys
- birthparents or adoptive parents

We also submit into the official record support letters from the following organizations and agencies:

- Bastard Nation: The Adoptee Rights Organization
- Holt International Children's Services
- Mothers for Open Records Everywhere
- North American Council on Adoptable Children
- Northeastern Nevada Foster and Adoptive Parents Association

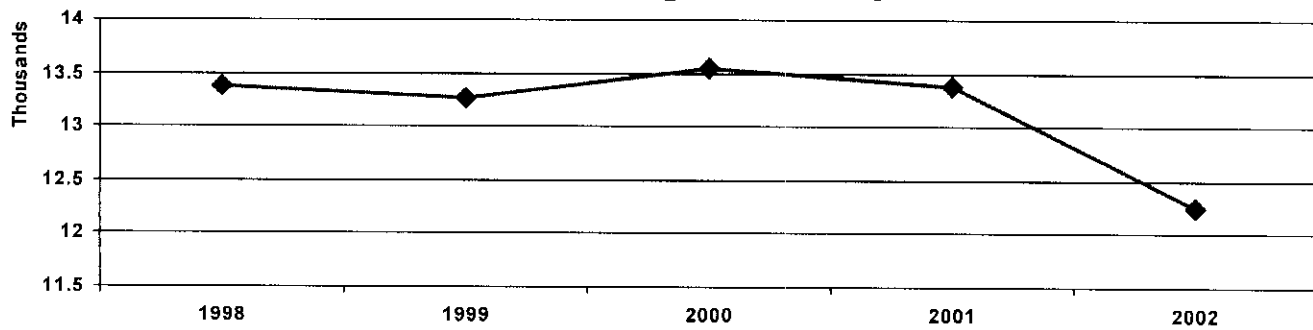
Thank you for your consideration. We remain in service to this committee, as you continue your study and reach findings on best adoption practice for Nevada, then legislate into law.

Respectfully Submitted,

Nevada Open Leaders Circle

Paula L. Long  
Janet P. Nordine  
Richard C. Rinker  
Jean M. Uhrich, BSW

## Alabama Abortion Data: Pre and Post Opening of Adoptee Records



### Abortions Declined, When Adoptee Records Were Opened in 2000.

YEAR: 1998

Total Abortions: 13,386

Abortions in Women Under 18: 1,114

YEAR: 1999

Total Abortions: 13,273

Change 1998-1999: - 0.85%

Abortions in Women Under 18: 1,045

Change 1998-1999: -6.2%

YEAR: 2000

Total Abortions: 13,553

Change 1999-2000: + 2.1%

Abortions in Women Under 18: 1,029

Change 1999-2000: -1.5%

**\*\*RECORDS OPENED AUGUST 1, 2000**

YEAR: 2001 (FIRST FULL YEAR OF OPEN RECORDS IN ALABAMA)

Total Abortions: 13,382

Change 2000-2001: - 1.3%

Abortions in Women Under 18: 917

Change 2000-2001: -10.9%

YEAR 2002

Total Abortions: 12,249

Change 2001 - 2002: - 8.3%

Abortions in Women Under 18: 876

Change 2001 - 2002: - 4.3%

**Source: Alabama Department of Public Health,  
Center for Health Statistics, Division of Statistical Analysis**

<http://ph.state.al.us/chs/HealthStatistics/Tables/2002/OCCURRENCE,%202002%20INDUCED%20TERM.htm>

## Alabama, Oregon Birthparent Responses On Contact Preference Forms

Records Requests Compared to Contact Preference Forms Requested By Birth Parents	Alabama (12/03)	%	Oregon (5/03)	%
<b>Adoptee Records Requests</b>	<b>2722</b>		<b>7459</b>	
<b>Records Issued</b>	<b>2722</b>		<b>7296</b>	
<b>Contact Preference Forms Requested</b>	<b>131</b>	<b>4.8%</b>	<b>469</b>	<b>6.3%</b>
Asked for direct contact	*		359	76%
Asked for Contact through Intermediary	n/a		29	6%
Asked for No Contact	n/a		81	17%

\* "Vast Majority" (Source: Alabama Department of Health)

**Sources:**

Alabama Department of Health

Oregon's Health Division Center for Health Statistics (And Vital Records)

NOTE: Both Alabama and Oregon have implemented laws similar to the one proposed for Nevada and includes a voluntary contact preference form that can be submitted by Birth Parents.

In both states, few birth parents complete the forms. Of those who do, the vast majority indicate a preference for direct contact with their now adult children relinquished for adoption.

*Northeastern Nevada Foster and Adoptive Parents Association*

P.O. Box 393  
Elko, Nevada 89803

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April 21, 2004

Children, Youth and Families Committee  
Nevada State Legislature  
401 South Carson Street  
Carson City, Nevada 89701-4747

To the Honorable Senator Rawson,

I am writing on behalf of the Northeastern Nevada Foster and Adoptive Parents Association to express our support of adult adoptee access to their state held birth and adoption records, without restriction. We seek your draft of legislation for the 2005 Session, in the spirit of Senate Bill 267.

We are foster and adoptive parents. We are proud to be parents and proud of our children. We sincerely want our children to find pride in themselves, especially as they reach adulthood. We do not want them to be ashamed of their history or to think there are secrets in their files and records.

By restoring adult adoptee access to their own records, the state removes any remnant of shame and secrecy surrounding adoption. Drafting strong language for unrestricted access brings the standards of adoption practice in Nevada concurrent with excellence and best practice.

We, the parents of adoptees, support our children, now and when grown. We seek their best interest, as always. And we ask that you continue to do the same.

Sincerely,



Sandy Hellman  
NNFAPA Vice-President

Cc: Allison Combs, Legislative Counsel Bureau, Research Division  
Members of the Children, Youth and Families Committee



## Mothers for Open Records Everywhere

April 21, 2004

Children, Youth and Families Committee  
Nevada State Legislature  
401 South Carson Street  
Carson City, Nevada 89701-4747

To the Honorable Senator Rawson, Chair of the Children, Youth and Families Committee,

I write today in the name of thousands of mothers who relinquished their children to adoption. We seek the restoration of an adoptee's right to access and receive copies of his or her state held birth and adoption records, once reaching the age of majority. We stand in coalition with Nevada Open, and stand in support of the drafting of Nevada legislation that would repeal statute so that adoptees may once again, without condition, have their vital records and court documents.

### DECLARATION

We, mothers separated from our children by adoption, hereby state publicly and unequivocally that we fully support open records for adult adoptees. We further state publicly and unequivocally that we were *NEVER* promised privacy or confidentiality, either verbally or in writing, at any time prior to, during, or after the surrender of our children to adoption.

Respectfully Submitted,

A handwritten signature in black ink that reads "Laurie Jean Dunfield-Baker". The signature is written in a cursive style with a long horizontal line extending to the right.

Laurie Jean Dunfield-Baker  
Nevada State Coordinator, MORE



# Holt International Children's Services

Every child deserves a home of his own.<sup>SM</sup>

HARRY HOLT

Children, Youth and Families Committee  
Nevada State Legislature  
401 South Carson Street  
Carson City, Nevada 89701-4747

4/21/04

To the Honorable Senator Rawson and Members of the Children, Youth and Families Committee,

I am writing on behalf of Holt International Children's Services. Holt urges your full support in drafting legislation for the upcoming 2005 Session that would once again allow adults, adopted as children, unrestricted access to their birth and adoption records.

Holt pioneered intercountry adoption from Korea in the 1950s. It is the largest intercountry adoption agency in the United States, placing annually approximately 1,000 children in this country.

Holt International Children's Services is committed to protecting the rights and interests of all members of the adoption triad – adoptee, birth family, and adoptive family. Recognizing the lifelong effects of adoption, Holt supports initiatives that support a healthy acknowledgement of the connections between adoptees, birth and adoptive families. Therefore, Holt advocates for the repeal of Nevada statutes that deny adult citizens that were adopted as minors access to state held documents recording their births and adoptions. Holt believes this is the best practice and consistent with the Child Welfare League of America's "Standards of Excellence for Adoption Services."

While Holt recognizes the concerns of the opponents, we believe it is the human right of adoptees, whether adopted internationally or domestically, to know about their pasts. Adoption practice continues to evolve and change as more and more issues are recognized and understood. Laws denying adoptees access to their original birth certificate and other court documents are considered out of date and not healthy. Trends in adoption practice and training are towards openness. Increasingly, adoptions are now being performed where the birthparents continue to maintain a relationship with the child and adoptive family. These placements are considered to be healthy and beneficial to all members of the triad.

Again, we urge your support to craft legislation for the 2005 Session that brings Nevada's access laws back into best practice standards, in line with SB 267 of the 2003 session. Please contact me at 541/687-2202 if you should have any questions.

Sincerely,

Susan Soon-keum Cox  
Vice-President of Public Policy and External Affairs

Cc: Allison Combs, Legislative Counsel Bureau, Research Division

POST OFFICE BOX 2880  
Ph: 541-687-2202

(1195 CITY VIEW ST)  
Fax: 541-683-6175

EUGENE OR 97402 U.S.A.  
Email: info@holtintl.org



Bastard Nation  
*The Adoptee Rights Organization*  
P.O. Box 271672  
Houston, TX 77277-1672

April 16, 2004

Children, Youth and Families Committee  
Nevada State Legislature  
401 South Carson Street  
Carson City, Nevada 89701-4747

To the Honorable Members of the Children, Youth and Families Committee:

The membership of Bastard Nation: The Adoptee Rights Organization thanks you again for addressing adoption and birth records access for adoptees born in Nevada during this study session, and we are very pleased that you will be hearing testimony on this issue again at your meeting on April 22, 2004 during the update on issues relating to adoption. As the largest adoptee rights organization in the world, we wholeheartedly believe that this issue is one of fundamental human and civil rights. We endorsed SB-267 last session, because it would have repealed the violations of the rights of adult adoptees that currently exist under Nevada's adoption laws by proposing to restore access to their own historical records. This is a right that all other citizens take for granted, and it should not be denied to adoptees because of the circumstances of their births. Bastard Nation has supported similar efforts in other states, including a successful ballot initiative in Oregon in 1998 and a legislative victory in Alabama in 2000. Therefore, we urge the committee to recommend that birth and adoption records be opened unconditionally to adult adoptees at the conclusion of your study of this issue. In support of our position, we offer the following arguments:

**1. Open records for adult adoptees is inclusive.** Rights are common sense one-size-fits-all policy and protection for all citizens without exception. Rights are not a favor or a privilege to be doled out on the whim of lawmakers, bureaucrats, and special interests. In a democratic society, rights do not discriminate against race, religion, ethnicity, age or gender. Yet adopted adults are discriminated against daily by a parallel system of closed records for us and open records for everybody else - a system based solely on adoptive status. **The passage of open records legislation for adult adoptees in Nevada would simply be a corrective that would do away with this double standard and embrace all citizens of Nevada as equal partners with equal rights to personal identity.**

**2. The State of Nevada should not conceal basic identity information from the very citizens for whom the information pertains.** It is difficult to imagine that the State of Nevada has a vested interest in continuing to hide personal identity information from its own adopted citizens. In our estimation, this is government and bureaucratic secrecy at its worst. The birth and adoption records of adult adoptees are not a matter of state security that require cover-up from the very citizens whose births and adoptions they record. **We urge you to consider this issue in terms of the fundamental rights and ethics violations that are occurring through the continued existence of these laws.** These should be the basis for your decision, rather than trying to prevent worst-case scenarios of birth and adoptive family dynamics. **Upholding the basic rights of the citizens of the State of Nevada is the business of the government, whereas trying to manage possible interpersonal relationships is not.**

**3. Denying adoptees access to their own basic information is a flawed, outdated, and immoral practice that is inconsistent with how a free society operates.** Withholding fundamental identity information from adult adoptees is a failed social practice from a bygone era. There is no evidence that permanently sealed adoption records provide any benefit to the institution of adoption. We maintain that adoption as an institution can only benefit by having a foundation in truth and humanity toward the citizens it is supposed to serve. Since implementation of similar laws to the legislation advocated by Nevada Open in Oregon and Alabama, thousands of adult adoptees born in those states have requested their own birth and adoption records without report of negative incidents.

**4. Open records for adult adoptees is consistent with best adoption practice and faith in adoptive families.** The vast majority of adoption professionals concur with the movement to provide adult adoptees with unrestricted access to their own state-held records. This is evidenced by the broad coalition backing this reform effort in Nevada. Furthermore, opposition talk about open records for adult adoptees being injurious to adoption is ludicrous. **A "forever family" is not built on secrecy and lies, but on bonds of love and trust.** If those have not been established by the time the adopted person is an adult, keeping their birth information from them will not help.

**5. Opening records to adult adoptees will not break promises made to birthparents.** Advocates of the antiquated sealed records system argue that the unsealing of the government-held personal information of adopted adults will abrogate "promises" or "guarantees" made by adoption professionals to birth parents, especially birth mothers, that their identities would never be revealed to anyone. These so-called promises made by professionals - if they were made at all - reflected adoption agency policy, at best, and were made outside of the scope of the law where there were no codified guarantees. The state has no obligation to honor them. **In over two decades of fighting against adoptee civil rights not one single document promising "privacy," "confidentiality" or "anonymity" has been submitted anywhere by sealed records lobbyists, because these documents don't exist.** Many birth parents, in fact, claim that social workers and lawyers made no such promises to them, and instead were told that upon the age of majority their relinquished children would have access to their own records. Furthermore, pre-adoption birth records are sealed at the time of adoption finalization, not at the time of relinquishment. If a child is never adopted, those birth records remain open and available to the person whose record of birth they document. **If the sealing of birth records by the state were intended to protect the identity of birth parents, then those records would be sealed at the time of termination of parental rights, not at adoption finalization.**

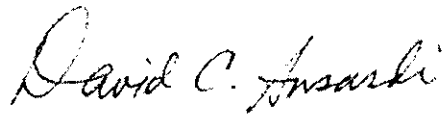
**6. Opening records to adult adoptees will not cause more abortions.** This is a particularly egregious opposition argument that has no basis in fact. Kansas and Alaska, which have always had open records for adult adoptees, have lower rates of abortion and higher rates of adoption than the national average. Both Oregon and Alabama, which have opened records to adult adoptees during the past few years, have reported reduced abortion rates since their open records laws were implemented. The ratio of abortions per 1000 live births in Oregon declined 6.8% between 1999 (before records were opened in 2000) and 2002 (source: Oregon Department of Human Services Report). Since records were opened to adult adoptees in Alabama in 2000, there has been a substantial decline in total abortions, as well as abortions performed on young women under age 18. Total abortions in Alabama in 2002 were 9.6% fewer than in 2000, and abortions among the under 18 age group were 14.9% lower in 2002 versus 2000 (Source: Alabama Center for Health Statistics).

We sincerely hope that in your study of this important issue, the committee will find an urgent need to improve and modernize Nevada's adoption laws by granting adult adoptees full, unrestricted access to their original birth and adoption records. Similar laws function very well in other states and countries around the world and are also consistent with the best practice standards of adoption advocated by several children's welfare and professional organizations. We hope that the Children, Youth, and Families Committee members will recommend to advance Nevada's adoption laws into the 21st

April 16, 2004

Century by siding with truth and disclosure of personal information to adult adoptees rather than agreeing to continue the morally bankrupt practice of barring adult adoptees from their own personal information as advocated by a single adoption trade lobby organization.

Sincerely,

A handwritten signature in cursive script that reads "David C. Ansardi". The signature is written in black ink and is positioned below the word "Sincerely,".

David C. Ansardi, Ph.D.  
Co-Chair, Legislative Committee  
Bastard Nation: The Adoptee Rights Organization

## **WHAT ARE IN THE NEVADA BIRTH AND ADOPTION FILES?**

### **COURT FILES**

- Relinquishment of the Child for Adoption
- Consent to Adoption
- Petition to Adopt
- Affidavit setting forth fees, donations and expenses required to be filed
- medical records – Child’s Health Record, Infant Physical Examination, Physicians Report on Mother and Infant.
- Report of adoption, amendment or annulment
- Decree of adoption
- Notice to the parents of petition to terminate parental rights
- Order for publication of notice of hearing of petition to terminate parental rights
- Order terminating parental rights
- Order of waiver of welfare investigation
- Motion for fees and allowances and restraining order
- Affidavit for publication of notice of hearing of petition to terminate parental rights with residence unknown
- Petition for order, terminating parental rights of the natural father.
- Confidential Report
- Infant Release Authorization - submitted by hospital
- Sheet of information on bmother, bfather, and child – family background, school, health, family function prior to placement, history of mother, history of father.
- Adoptive Parent Agreement
- Parent’s Agreement for Foster Home Placement
- Letter to PAPs the Home Study was approved.
- Multiple MEMOs – with significant items like need for 2<sup>nd</sup> relinquishments, etc
- Insurance Company form, with billing info and group info, from hospital
- Original Birth Certificate

### **VITAL STATISTICS**

- Standard Certificate of Live Birth (original)
- Supplemental Report of name required for unnamed child
- Certified Report of Adoption
- Certified Report of Amendment of Adoption
- Adoption Decree
- Certified Annulment of Adoption Decree
- Supplementary Certificate of Birth (if there was a prior annulment)
- Affidavit for the Voluntary Acknowledgment of Paternity
- Foundling Report

## ADOPTION AGENCY

- A cover sheet containing demographic and other pertinent identifying information.
- A written request for the provision of services by the agency.
- A narrative record of the date and source of referral to the agency.
- All relevant interviews, assessments and investigations conducted by the agency.
- The services provided by the agency.
- The reasons for termination of services by the agency.
- Written authorizations and agreements.
- Legal documents, such as relinquishments for adoption.
- Health records.
- Records regarding inspections for safety from fire or other hazards.
- Records of criminal history.
- Records of investigations for child abuse or neglect.
- Records regarding the status of the child as an Indian child.
- Information obtained from a biological parent regarding the birth history of the child to be adopted, including, without limitation, the date, time and place of birth and weight of the child.
- Written acknowledgment from the biological parent that he has received information regarding the state register for adoptions.
- The information regarding an adoptive parent must contain a history of the placement, growth and development of the adopted child, any legal documentation regarding the adoption and any information required pursuant to NRS 127.152.
- Court Order of Adoption
- Home Study
- Affidavit of Termination of Parental Rights by the Father

## FORMS ON LINE

[http://silversource.state.nv.us/Category\\_Forms.asp?SubCat=Family%20Services](http://silversource.state.nv.us/Category_Forms.asp?SubCat=Family%20Services)

[http://216.239.57.100/search?q=cache:6YjBAf5VLDEC:www.welfare.state.nv.us/child/sep\\_manual/400-exhibits.pdf+site:www.welfare.state.nv.us+adoption&hl=en&ie=UTF-8](http://216.239.57.100/search?q=cache:6YjBAf5VLDEC:www.welfare.state.nv.us/child/sep_manual/400-exhibits.pdf+site:www.welfare.state.nv.us+adoption&hl=en&ie=UTF-8)

\* \* \* \* \*

What are in the files in California OVR

What is listed here had a CC: at the bottom of each document to the then office of Vital Statistics.  
Multiple copies each filed with: Clerk of the Court; Dept. of Vital Statistics; Some County Authority

- obc

- adoption decree

\*acknowledgment of the filing of adoption relinquishments or notice of action in lieu of relinquishment (contains birth parent name identifying information)

- exhibits to the decree

\*report of adoption agency:(standard form) linked on it is the adoption petition number and case number

describes the minor

describes (birth) parents (pieces of identifying information)

describes relinquishment occurred

describes adoptive parents (identifying information)

recommendation and consent to adoption

\* petition to adopt

\*testimonials of parties and counsel

- petition to adopt (obc birth certificate number listed; may have birth name listed; no birthparent names listed.)

-Consent of Husband and Wife and Agreement to Adoption

- Declaration and Report of Expenses pursuant to CA Civil Code section 224r

Jean again. The following three documents were photocopied with the bottom missing, so we can not ascertain if they are filed at the OVR or not:

- Relinquishment (full birth name of child) (identifies adoption agency that handled relinquishment) (full name of parent relinquishing)

- Joinder of Adoption (names birth parent)

- Consents from everyone involved (agencies and individuals)



970 RAYMOND AVENUE, SUITE 106  
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Children, Youth and Families Committee  
Nevada State Legislature  
401 South Carson Street  
Carson City, Nevada 89701-4747

To the Honorable Senator Rawson and Members of the Children, Youth and Families Committee,

I am writing to express the support of the North American Council on Adoptable Children (NACAC) for draft legislation in the 2005 Session that will enable adult adoptees to gain access to their birth and adoption information.

Founded in 1974 by adoptive parents, NACAC is committed to meeting the needs of waiting children and the families who adopt them. NACAC supports adoptive parents, prospective adopters, and child welfare professionals in an effort to ensure permanency for children. NACAC's mission is "Every child has the right to a permanent family. The Council advocates the right of every child to a permanent, continuous, nurturing and culturally sensitive family."

In accordance with this mission, NACAC operates a number of projects in the U.S. and Canada to increase adoptions of children in foster care, and to support families who have adopted. Our efforts can be categorized into four areas – adoptive parent support, recruitment/retention of perspective adopters, education, and public policy.

NACAC has long supported the right of adoptees to have access to their original birth certificates. As our position statement below reflects, NACAC continues to believe that adoptees are well served by having access to information about their birth families, and are entitled to that information.

**Access to Original Birth Certificates – April 11, 1992**

Recognizing that many adult adoptees have a need for more complete information about their birth families, NACAC supports their right to this information and supports access to original birth certificates to any adult adoptee at age of majority.

**Access to Original Birth Certificates – December 5, 1986**

NACAC supports access to original birth certificates to any adult adoptee at age of majority.

I encourage you to restore an adult adoptee's human right by drafting legislation for the 2005 session, in line with SB 267 in the 2003 session, that provides unrestricted access to birth and adoption records so that adoptees can have access to important information about themselves and their birth families.

Sincerely,

Joe Kroll  
Executive Director

Cc: Allison Combs, Legislative Counsel Bureau, Research Division

**NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN**