

NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON CHILDREN, YOUTH AND FAMILIES'
ADOPTION SUBCOMMITTEE
(Nevada Revised Statutes 218.53723)

SUMMARY MINUTES AND ACTION REPORT

The first meeting of the Nevada Legislature's Committee on Children, Youth and Families' Adoption Subcommittee (*Nevada Revised Statutes 218.53723*) was held on Saturday, March 20, 2004, at 9:30 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 2135 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's Web site at www.leg.state.nv.us/Session/72nd2003/Interim. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office e-mail: publications@lcb.state.nv.us; telephone: 775/684-6835).

COMMITTEE MEMBER PRESENT IN LAS VEGAS:

Senator Maggie Carlton, Chairwoman

LEGISLATIVE COUNSEL BUREAU (LCB) STAFF PRESENT:

Allison Combs, Chief Principal Research Analyst, Research Division
Larry L. Peri, Senior Program Analyst, Fiscal Analysis Division
Mark W. Stevens, Assembly Fiscal Analyst, Fiscal Analysis Division
Leslie K. Hamner, Principal Deputy Legislative Counsel, Legal Division
Lucinda Benjamin, Senior Research Secretary, Research Division

OPENING REMARKS BY CHAIRWOMAN

Chairwoman Carlton called the meeting to order.

OVERVIEW OF THE OPERATION OF THE STATE REGISTER FOR ADOPTIONS (*NEVADA REVISED STATUTES 127.007*)

- Jone M. Bosworth, Administrator, Division of Child and Family Services (DCFS), Department of Human Resources (DHR), introduced Wanda Scott, State Adoption Specialist, DCFS, DHR. Ms. Scott explained the State Register for Adoptions (Registry) originated in 1979, and provided information on the program, such as: (1) staffing; (2) the operational process; (3) the types of information on file; and (4) the number of individuals that have registered. Ms. Scott will provide information to the Subcommittee on the number of birth parents registered prior to 1979. Please refer to [Exhibit B](#), pages 6, 7, and 8 for detailed information of Ms. Scott's presentation.
- Jean M. Uhrich, adult adoptee, Nevada Open and Bastard Nation: The Adoptee Rights Organization, requested the Subcommittee consider the recommendation for unconditional access for adult adoptees to state-held records of birth and adoption, especially for medical history information ([Exhibit C](#)). Ms. Uhrich provided supporting documents regarding the rights of confidentiality for birthparents and adult adoptee access to birth and adoption records, as follows:
 1. A letter to Wanda Scott, Adoption Division, DCFS, DHR, from Jean Uhrich requesting copies of her adoption documents ([Exhibit C1](#));

2. A copy of a facsimile to Jean Uhrich from Wanda Scott, DCFS, DHR, containing state forms, “Relinquishment of Child for Adoption” and “Consent to Adopt” ([Exhibit C2](#));
 3. Forms titled “Relinquishment of Child for Adoption” executed by Don George Walker on July 3, 1973, and Phyllis Joyce Walker on July 3, 1973, and “Consent to Relinquish Parental Rights and Consent for Adoption” executed by Kenneth Davis on March 18, 1998, and Michelle Diane Davis on March 18, 1998, and *Consent to Adoption* executed by Beverly Jean De Rose on September 8, 1952 ([Exhibit C3](#));
 4. A document titled “Why Birthparents Have No Expectation of Anonymity” ([Exhibit C4](#));
 5. A document titled “Information Disclosure and Openness in Adoption: State Policy and Empirical Evidence,” Rosemary J. Avery, Cornell University ([Exhibit C5](#)); and
 6. A syllabus of “Roberts, Acting Commissioner, Minnesota Department of Human Rights, et al. v. United States Jaycees, Appeal from the United States Court of Appeals for the Eighth Circuit, No. 83-724” ([Exhibit C6](#)).
- Margaret Gate, birth mother, provided testimony on the lengthy amount of time adoptee and birth parent searches require and stated support agencies are difficult to locate.
 - Arlene Hendrickson, adoptee, provided information on her personal search for her birth parent.

DISCUSSION REGARDING ACCESS TO FILES AND RECORDS CONCERNING PROCEEDINGS OF ADOPTION OR BIRTH

- Melisa Barrigar, Ethica, a nonprofit corporation that provides education, advocacy, and assistance to the adoption community and works for reform of domestic and international adoption systems, presented information on Ethica’s services and a legislative history of laws regarding access to adoption information in the United States and internationally. Please see [Exhibit D](#) for detailed information of Ms. Barrigar’s presentation.
- Claudia Turner VanLydegraf, birth mother and member of Nevada Open, related information regarding the adoption of her two sons. Ms. VanLydegraf is a proponent of opening all sealed past adoption records and not sealing future records in the State of Nevada. Please see [Exhibit E](#) for information of Ms. VanLydegraf’s presentation.
- Janet P. Nordine, adult adoptee and representing Nevada Open, presented information about her adoption and requested full disclosure of birth and adoption records. Ms. Nordine submitted letters and official policy statements from several agencies supporting an adult adoptee’s right to unconditional access to their state-held birth and adoption records. Please see [Exhibit F](#) for detailed information of Ms. Nordine’s presentation.
- Lisa Dixon, adult adoptee and member of Nevada Open Triad, provided information regarding her adoption and genetic medical condition. Ms. Dixon requested unrestricted access to the court and state-held vital records for her birth and closed adoption. Please see [Exhibit G](#) for detailed information of Ms. Dixon’s presentation.
- Kristie Traver, adult adoptee and founder of Touched by Adoption Support Group, provided information regarding original and amended birth certificates, the adoption decree, the relinquishment document, and court petitions. Ms. Traver submitted copies of the *Oregon Revised Statutes*, Chapter 432.240, “Issuance of certified copy of certificate of birth to adopted persons; Contact Preference Form” and the *Code of Alabama*, Section 22-9A-12, which restores the adult adoptee’s right to their original birth certificate, but provides birthparents with the opportunity to state their preference for contact. Please see [Exhibit H](#) for detailed information on Ms. Traver’s presentation.
- Geoff McAlister, citizen, presented information about his daughter’s medical problems and submitted

testimony that “The court and adoption agency had a family history form that said that my mother had older siblings who had died of genetic heart defects . . .” and stated he learned of his family’s history of genetic heart defects once his mother’s adoption records were unsealed. Mr. McAlister advocated for unrestricted access to court and agency files for adult adoptees. Please see [Exhibit I](#) for detailed information on Mr. McAlister’s presentation.

- Richard C. Rinker, adult adoptee, provided testimony regarding his efforts to have his records unsealed and opened by the Nevada court system. Mr. Rinker supports legislation allowing adult adoptees access to their original records. Please see [Exhibit J](#) for detailed information on Mr. Rinker’s presentation.
- Bonnie Shaner Doyle, birthmother, presented testimony supporting an adult adoptee’s right to their original birth and adoption records. Ms. Doyle provided information about the relinquishment of her daughter in 1969. Please see [Exhibit K](#) for information on Ms. Doyle’s presentation.
- Nancy Cannon Downey, adult adoptee, testified in support of the efforts of Nevada Open to restore civil rights to adopted citizens in Nevada by granting full access to adoption records to adult adoptees. Ms. Downey submitted pertinent studies published on the adoption triad. Please see [Exhibit L](#) for detailed information of Mr. Downey’s presentation.
- Michael Rasmussen, Nevada Chapter Chair of the Legislative Committee for Families Supporting Adoption (FSA), an adoptive parent, and an attorney with Alverson, Taylor, Mortensen, Nelson & Sanders, provided information on the adoption process. Mr. Rasmussen stated Nevada’s laws are adequate to protect both adoptees and birthparents and opening records or providing original birth certificates to adoptees does not take into consideration the rights of birthparents. Mr. Rasmussen discussed open records legislation and Post Adoption Contact Agreements. Please see [Exhibit M](#) for detailed information on Mr. Rasmussen’s presentation.
- Cynthia Lu, Chief Deputy Public Defender, Washoe County Public Defender Office, provided written testimony opposing legislation from the 2003 Legislative Session to provide access to adoption records (Senate Bill 267). Senate Bill 267 would have permitted adult adoptees access to records of their own birth and adoption. Please see ([Exhibit N](#)) for detailed information on Ms. Lu’s presentation.
- Tim Lemaster, perspective adoptive parent, submitted information on the type of information requested from adoptive parents via a form used by an adoption agency in southern Nevada. He provided examples of the types of questions contained in the autobiography of adoptive parents form required by his adoption agency:
(1) Growing up, describe any abuse you had in your childhood in detail; (2) Growing up, describe your dating patterns and sexuality; (3) On marriage and your relationship, describe the worst aspect of your relationship; (4) On intimacy, are you comfortable with the level of intimacy in your relationship; (5) Describe the impact of the infertility experience on your sexual relationship; (6) Do you have a mutually satisfying sex life; (7) Describe your current spouse’s weaknesses; and (8) Describe any counseling you have had. Mr. Lemaster stated that personal information on rape, incest, sexual abuse, and physical abuse is collected from adoptive parents and could be released to the adopted children at age 18, but he stated that the information should be shared with the child by the adoptive parent, when and where they feel it is appropriate. Mr. Lemaster stated unlimited and unrestricted provision of information on adoptive parents should not be allowed, and added adoptive parents should have a voice in the release of information.
- Rickey L. Perry, Agency Director, LDS Family Services, submitted testimony stating opposition to opening adoption records and eliminating the State Register for Adoptions. Mr. Perry provided information on the State Registry and the current adoption process used in Nevada. Additionally, he discussed the results of an extensive review of adoption studies. Please see [Exhibit O](#) for detailed information of Mr. Perry’s presentation.
- Helen Foley, adoptive parent, provided information on the adoption of her child and the training provided by Catholic Charities of Southern Nevada Adoption Services for parents of adopted children. Ms. Foley stated support for the issue of restricting information and not providing unlimited, unrestricted access to adult

adoptees.

- Debra Craig, Catholic Charities of Southern Nevada Adoption Services and adoptive parent, presented information on her personal adoption case and on the current adoption process in Nevada. She stated that updated medical information is not provided by the Nevada Register for Adoptions. Ms. Craig submitted an “Autobiography Outline” which is completed by prospective adoptive parents using Catholic Charities adoption services. Please see [Exhibit P](#) for detailed information on Ms. Craig’s presentation.
- Joe and Amy Turner, Family Supportive Adoptions Group, provided information on their personal adoption case and stated it is important that birth mothers be included in the registry and that they be given the opportunity to be removed, as well. Mrs. Turner stated the Registry provides some medical and social history information and indicated the Registry works for birth mothers who want to be known and also for those who do not. Mr. Turner stated birth mothers can allow birth grandmothers to be included in the Registry.
- Annette Appell, professor, William S. Boyd School of Law, University of Nevada, Las Vegas, provided a written statement in support of [Senate Bill 267](#). Senate Bill 267 would have permitted adult adoptees to obtain records of their own birth and adoption. Please see [Exhibit Q](#) for details of Ms. Appell’s statement.

DISCUSSION REGARDING CONTRACTS BETWEEN PARTIES FOR POST-ADOPTIVE CONTACT

- Angela Howald, birth mother, submitted testimony on the post adoption contact agreement and stated opposition to any agent or agency offering the visitation portion of the agreement in the future. Ms. Howald recommended heavy penalties be included in proposed legislation. Ms. Howald referenced her *Birth Mother v. New Hope* case before the Nevada Supreme Court. Please see [Exhibit R](#) for detailed information on Ms. Howald’s presentation.
- Cynthia Lu, Chief Deputy Public Defender, Washoe County Public Defender Office, stated she is a proponent of [Assembly Bill 28](#) which was introduced but not passed by the 72nd Legislative Session. Ms. Lu recommended inclusion of provisions for: (1) agreements for sibling visitation separate and independent of agreements for birth parents in proposed legislation; and (2) post adoption contact agreements that are not included in adoption orders. The Nevada Supreme Court did not specifically address whether these agreements are enforceable. Ms. Lu will submit recommended language changes to the Subcommittee for consideration. Please see [Exhibit S](#) for detailed information on Ms. Lu’s presentation.
- Annette Appell, professor, William S. Boyd School of Law, University of Nevada, Las Vegas, addressed the issue of post adoption contact laws. Ms. Appell provided an explanation of A.B. 28 and stated support for the language in the original bill. Ms. Appell also discussed the need for clarification of the post adoption contact agreement to craft relationships between parties to adoptions. Please see [Exhibit T](#) for detailed information of Ms. Appell’s presentation.
- Helen Foley, adoptive parent, stated the decision to execute a post adoption contact agreement should be made by an adoptive parent and not directed by a court.
- Melisa Barrigar, Ethica, stated the post adoption contact agreement is not legally binding and recommended that parties to the agreement not make commitments they cannot deliver.
- Amy Turner, adoptive parent, commented that if a government agency mandates contact with birth parents it could interfere with the relationship between the child and the adoptive parents.
- Michael Rasmussen, adoptive parent, referred to his written testimony and commented on A.B. 28. He expressed concern about mandating that the post adoption contact agreement be added to the adoption agreement.
- Cynthia Lu, Chief Deputy Public Defender, Washoe County Public Defender Office, clarified the use of the

post adoption contact agreement and stated A.B. 28 would codify the choice to use the agreement and provide a definition of the procedures for its use by parties to adoptions. She added that verbal agreements would not be affected by A.B. 28.

PUBLIC TESTIMONY

- Chairwoman Carlton requested further testimony be submitted to herself, staff, or other members of the Legislative Committee on Children, Youth and Families.

CLOSING REMARKS BY CHAIRWOMAN

- Chairwoman Carlton stated that recommendations would be presented to the Legislative Committee on Children, Youth and Families at the April 22, 2004, meeting.

ADJOURNMENT

There being no further business to come before the Subcommittee, the meeting was adjourned at 1:07 p.m.

Respectfully submitted,

Lucinda Benjamin
Senior Research Secretary

Allison Combs
Chief Principal Research Analyst

APPROVED BY:

Senator Maggie Carlton, Chairwoman

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda.”

[Exhibit B](#) is the committee packet titled “Legislative Committee on Children, Youth and Families, Saturday, March 20, 2004 – 9:30 a.m.,” provided by Allison Combs, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit C](#) is a document titled “Testimony of Jean M. Uhrich – March 20, 2004,” provided by Jean M. Uhrich, adult adoptee, Nevada Open and Bastard Nation.

[Exhibit C1](#) is a letter to Wanda Scott, Adoption Division, Division of Child and Family Services, Department of Human Resources, from Jean Uhrich, adult adoptee, requesting copies of adoption documents.

[Exhibit C2](#) is a facsimile to Jean Uhrich from Wanda Scott, Adoption Division, Division of Child and Family Services, Department of Human Resources. containing state forms, “Relinquishment of Child for Adoption” and “Consent to Adopt” provided by Jean M. Uhrich, adult adoptee, Nevada Open and Bastard Nation.

[Exhibit C3](#) consists of the following forms 1. “Relinquishment of Child for Adoption” executed by Don George Walker on July 3, 1973, and Phyllis Joyce Walker on July 3, 1973; 2. “Consent to Relinquish Parental Rights and Consent for Adoption” executed by Kenneth Davis on March 18, 1998, and Michelle Diane Davis on March 18, 1998; and 3. “Consent to Adoption” executed by Beverly Jean De Rose on September 8, 1952, provided by Jean M. Uhrich, adult adoptee, Nevada Open and Bastard Nation.

[Exhibit C4](#) is a document titled “Why Birthparents Have No Expectation of Anonymity,” provided by Jean M. Uhrich, adult adoptee, Nevada Open and Bastard Nation.

[Exhibit C5](#) is a document titled “Information Disclosure and Openness in Adoption: State Policy and Empirical Evidence,” Rosemary J. Avery, Cornell University, provided by Jean M. Uhrich, adult adoptee, Nevada Open and Bastard Nation.

[Exhibit C6](#) is a syllabus of “*Roberts, Acting Commissioner, Minnesota Department of Human Rights, et al. v. United States Jaycees*, Appeal from the United States Court of Appeals for the Eighth Circuit, No. 83-724” provided by Jean M. Uhrich, adult adoptee, Nevada Open and Bastard Nation.

[Exhibit D](#) is testimony presented by Melissa Barrigar, Ethica, dated March 19, 2004, and a report written by Elizabeth Samuels reviewing adoption and access laws for the Winter 2001 *Rutgers Law Review*.

[Exhibit E](#) is written testimony presented by Claudia Turner Van Lydegraf, adult adoptee and member of Nevada Open.

[Exhibit F](#) is written testimony presented by Janet P. Nordine, adult adoptee and representative of Nevada Open, which consists of letters to the Subcommittee from American Adoption Congress; Bastard Nation; Ethica; Concerned United Birthparents, Inc., and policy statements from Bastard Nation; Child Welfare League of America; Holt International Children’s Services; National Adoption Center’ and North American Council on Adoptable Children, National Association of Social Workers.

[Exhibit G](#) is written testimony presented by Lisa Dixon, adult adoptee and member of Nevada Open Triad.

[Exhibit H](#) is written testimony regarding open records for adult adoptees presented by Kristie Traver, founder of the Touched by Adoption Support Group and adult adoptee, and two forms titled “Relinquishment of Child for Adoption” and “Consent to Relinquish Parental Rights and Consent for Adoption,” and two documents titled *Oregon Revised Statutes* and *Code of Alabama* provided by Kristie Traver.

[Exhibit I](#) is written testimony presented by Geoff McAlister and documents submitted to the Subcommittee: Court Order to open adoption file; court docket records; Order of Adoption and Court Record; agency treatment sheets and social history of unsealed files, and a death certificate presented by Geoff McAlister, citizen.

[Exhibit J](#) is written testimony presented by Richard C. Rinker, adult adoptee.

[Exhibit K](#) is written testimony presented by Bonnie Shaner Doyle, adult adoptee.

[Exhibit L](#) is written testimony presented by Nancy Cannon Downey, adult adoptee; a newsletter article titled “More Deception about Access, Abortions, and Adoptions” by Frederick F. Greenman Jr., Esq. published in *American Adoption Congress Decree*, Winter 2000/Spring 2001 edition; a document titled “Placing Children for Adoption” and “Access to Identifying Information – What the research tells us,” provided by Nancy Cannon Downey.

[Exhibit M](#) is written testimony presented by Michael Rasmussen, Nevada Chapter Chair of the Legislative Committee for Families Supporting Adoption (FSA) and an adoptive parent.

[Exhibit N](#) is written testimony submitted by Cynthia Lu, Chief Deputy Public Defender, Washoe County.

[Exhibit O](#) is written testimony presented by Rickey L. Perry, Agency Director, LDS Family Services.

[Exhibit P](#) is a document titled “Catholic Charities of Southern Nevada Adoption Services Autobiography Outline provided by Debra Craig, Catholic Charities of Southern Nevada Adoption Services and adoptive parent.

[Exhibit Q](#) is written testimony presented by Annette Appell, law professor at the William S. Boyd School of Law, University of Nevada, Las Vegas.

[Exhibit R](#) is written testimony presented by Angela Howald, birth mother, and a document titled “Agreement Regarding Communication with and/or Contact Between Birth Parents, Child Adoptee, and Adoptive Parents,” provided by Angela Howard.

[Exhibit S](#) is written testimony presented by Cynthia Lu, Chief Deputy Public Defender, Washoe County.

[Exhibit T](#) is written testimony presented by Annette Appell, law professor at the William S. Boyd School of Law, University of Nevada, Las Vegas, which includes the following information: What A.B. 28 Does; What A.B. 28 Does Not Do; Why A.B. 28 is Needed in Nevada; Experiences in Other States; and Policy Considerations regarding Assembly Bill 28.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm or telephone: 775/684-6827.