

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 1407
H.D. 1
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 1407, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ADOPTION RECORDS,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize access to confidential adoption records by parties to the proceedings under certain circumstances.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from eighteen individuals. Your Committee received comments on this measure from the Judiciary, Adoption Circle of Hawaii, Korean Adoptees of Hawai'i, and forty individuals.

Your Committee finds that Act 338, Session Laws of Hawaii 1990, allowed access to adoption records for adoptees whose adoptions were finalized in 1991 or thereafter. However, adoptees whose adoptions were finalized before 1991 must undertake an intermediary search to request access to their adoption records.

Your Committee further finds that adoption practices continue to evolve. Openness in adoption that permits sharing of ethnicity, race, and medical and genetic information, as well as some identifying information about the parties to the adoption, is now the preferred best practice. Most child placement agencies



and adoption attorneys have integrated open adoption policies into their practices.

Your Committee additionally finds that adult adoptees often desire direct access to identifying information about themselves and their biological parents and families. This information can be essential to an adopted adult's identity and medical needs.

Your Committee has heard the concerns that the current measure does not provide for open adoption records, but rather extends the current intermediary system by creating another adoption class. Your Committee notes that it is important for all adopted persons in Hawaii to obtain access to their adoption records.

Accordingly, your Committee has amended this measure by:

- (1) Repealing language that differentiates between classes of adoptions occurring before and after 1990;
- (2) Deleting language that establishes a policy of disclosure for adoptions after December 31, 2011, under certain circumstances;
- (3) Allowing a natural parent to file a contact preference in the sealed adoption record and defining that term;
- (4) Allowing access to sealed adoption records after an adopted individual attains age eighteen, upon submission of a written request to the Family Court;
- (5) Requiring the Family Court to provide the adopted individual with a copy of the contact preference;
- (6) Limiting the definition of natural parent to a biological mother or father; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1407, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1407,



H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,

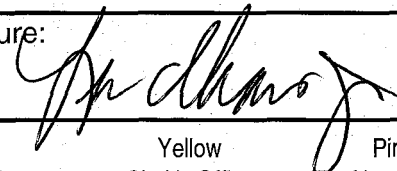
Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1407, HD1	HMS, J02	3-22-11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
SLOM, Sam				✓
TOTAL	3	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes