

SENATE COMMITTEE ON
JUDICIARY

February 17, 1993 Hearing Room C
1:00 p.m. Tapes 28-29

MEMBERS PRESENT: Sen. Dick Springer, Chair
Sen. Neil Bryant
Sen. Jeannette Hamby
Sen. Bob Shoemaker
Sen. Catherine Webber

MEMBERS EXCUSED: Sen. Grattan Kerans

STAFF PRESENT: Karen Quigley, Committee Counsel
Kirk Bailey, Committee Clerk

ISSUES DISCUSSED: Public Hearing: SB 295, SB 348, SB 204, SB 201, SB 387,
SB
407

[--- Unable To Translate Graphic ---]

These minutes contain materials which paraphrase and/or summarize
statements made during this session. Only text enclosed in
quotation marks report a speaker's exact words. For complete
contents of the proceedings, please refer to the tapes.

[--- Unable To Translate Graphic ---]

TAPE 28, SIDE A

003 CHAIR SPRINGER: Opens the hearing at 1:33pm.

SB 407: Allows donor of semen used in artificial insemination and
woman
who is artificially inseminated to agree that donor shall be
father of child born as result of insemination.

WITNESSES:

REPRESENTATIVE KATE BROWN
BOB OLESON, OREGON STATE BAR
MARK JOHNSON, CITIZEN

013 REP. BROWN: Submits and reviews written testimony in support of
the
bill (EXHIBIT A).

027 BOB OLESON: Testifies in support of the bill.

033 MARK JOHNSON: Testifies in support of the bill.
>Amends artificial insemination statute originally passed in 1977.
>Addresses problems arising from McIntyre v. Crouch (1988) (EXHIBIT
A-1).

073 SEN. SHOEMAKER: Donor in McIntyre case had no written agreement?

REP. BROWN: They did not. That was the problem.

076 SEN. SHOEMAKER: Will written agreement suffice and unwritten no longer has effect?

JOHNSON: If statute protects due process rights, failure to utilize agreement waives his rights.

089 KAREN QUIGLEY, COMMITTEE COUNSEL: Reviews LC drafts.

LC 3453: At request of Senate Judiciary Committee (EXHIBIT N)
LC 2459: At request of Oregon Trial Lawyers Association (EXHIBIT O)
LC 2300: At request of Senate Judiciary Committee (EXHIBIT P)
LC 2238: At request of Oregon Advocacy Center (EXHIBIT Q)
LC 1641: At request of Oregon Trial Lawyers Association (EXHIBIT R)
LC 1106: At request of Public Records Advisory Council (EXHIBIT S)
LC 1106-1: At request of Public Records Advisory Council (EXHIBIT T)

125 MOTION: CHAIR SPRINGER: Moves introduction of LC drafts.

VOTE: Hearing no objection LC drafts are introduced.

SB 295: Requires that person filing petition to adopt another must be resident of state.

WITNESSES:

JUDGE JON LUND

SEIJI SHIRATORI, SEN. HAMBY STAFF

KEITH EPSTEIN, AMERICAN ADOPTION CONGRESS

DIANE MAY, ADOPTION LINKS AND REUNION MATTERS

GERI AUERBACH, OREGON ADOPTIVE RIGHTS ASSOCIATION

MAUREEN MCKNIGHT, OREGON LEGAL SERVICES

BETTY UCHYTIL, CHILDREN'S SERVICES DIVISION

GARY CONKLING, HOLT INTERNATIONAL CHILDRENS SERVICES

JUDGE KATHLEEN NACHTIGAL

JUDGE LUND: Submits only written testimony in support of bill. (EXHIBIT D).

144 SEIJI SHIRATORI: Testifies in support of the bill. Refers to Judge Lund's written testimony.

177 CHAIR SPRINGER: Are there any other proponents in touch with your office?

SHIRATORI: Judge Lund is the primary contact.

187 SEN. SHOEMAKER: Refers to Lund's statement that Oregon is the adoption capitol of the country. Current law already has requirements for residency?

SHIRATORI: Defers to Judge Lund's testimony.

229 KEITH EPSTEIN: Testifies in support of the bill.
>Oregon perceived nationally as an easy state in which to adopt.

252 DIANE MAY: Testifies in support of the bill.
262 GERI AUERBACH: Testifies in support of the bill. Recognize
CSD concerns.

276 SEN. SHOEMAKER: Refers to previous question, present law
requires
residency?

AUERBACH: Not a lawyer so cannot comment on statute. >Anecdotally
knows
the practice occurs.

285 SEN. SHOEMAKER: Is it that the only objection? That people are
coming
into state to adopt?

AUERBACH: Yes. Want accountability.

CHAIR SPRINGER: Comments on difficulty for committee to act on
anecdotal information. Requests witnesses submit additional
information.

328 MAUREEN MCKNIGHT: Submits and reviews written testimony in
opposition
to bill (EXHIBIT E).

425 BETTY UCHYTIL: Submits and reviews general information on adoption
and
written testimony in opposition to bill (EXHIBITS B, C & G). Proposes
certain exceptions.

450 GARY CONKLING: Submits and reviews written testimony in opposition
to
the bill (EXHIBIT F).

TAPE 29, SIDE A

039 CHAIR SPRINGER: Spoken with Judge Lund?

041 MCKNIGHT: Unable to reach Judge Lund, spoke with Rita Cobb.
>They are concerned about the lack of connections between adopting
people and the state.
>They are also concerned they are not getting the information they
need.

061 CHAIR SPRINGER: Suspends consideration of SB 295 to consider SB 348
and
allow Sen. Frank Roberts to testify.

SB 348: Requires adoption registry of agency to notify birth parent if
adult

adoptee is seeking identifying information about birth parent.

067 SEN. ROBERTS: Testifies in support of the bill.
>Allows contact with minimum of interference with birth parents'
life-style and wishes.
>Unfair to deny individuals by law the opportunity to establish
relationship with birth parents.

145 CHAIR SPRINGER: Resumes consideration of SB 295.

151 JUDGE NACHTIGAL: Testifies in support of the bill.
>Bill has some flaws but hopes the committee will support.
>Reviews examples of adoptive situations which have prompted the bill.

195 SEN. SHOEMAKER: Present statute contains requirements for
residency?
Six month requirement for court to have jurisdiction?

NACHTIGAL: Doesn't think there is a six month requirement on the
child.

205 SEN. SHOEMAKER: Reviews statute.

NACHTIGAL: Woman consents to state who then becomes the consenting
entity and thereby avoids residency requirements.

217 SEN. SHOEMAKER: So consenting entity becomes agency?

220 NACHTIGAL: Correct, the state of Oregon.
>Continues - addresses the problem of attorney advertising.
>Bill should be amended to exclude agencies like Holt.

SB 348: Requires adoption registry of agency to notify birth parent if
adult
adoptee is seeking identifying information about birth parent.

WITNESSES:

SEN. FRANK ROBERTS
KEITH EPSTEIN, OREGON ADOPTIVE RIGHTS ASSOCIATION
BETTY UCHYTIL, CHILDRENS SERVICES DIVISION
DIANNE MAY, ALARM NETWORK
GERI AUERBACH, OREGON ADOPTIVE RIGHTS ASSOCIATION

433 GERI AUERBACH: Testifies in opposition to bill.
>Intermediary system is substantial burden with potentially high
fiscal
impact.
>Intermediary systems generally do not address concerns outlined by
Sen.
Roberts.

461 DIANE MAY: Testifies in opposition to bill. Concurs with
previous
testimony.

467 KEITH EPSTEIN: Testifies in opposition to bill.

>Intermediary system is a burdensome system.

492 SEN. BRYANT: Average cost for service?

TAPE 28, SIDE A

029 AUERBACH: Would depend on birth parents situation, whether they have moved, etc.
>Personal costs were approximately \$1000. Costs to organization would be less due to volume.

035 SEN. BRYANT: Perhaps some off-setting filing fee should be part of the bill.

038 SEN. SHOEMAKER: Resolve burden on intermediary by sending the notice to the last known address?

AUERBACH: That helps nobody.
>Washington has a system. Many people circumvent that system and search anyway.

052 EPSTEIN: Pennsylvania has similar provision which is largely ineffective.

061 SEN. SHOEMAKER: Assume contact of birth parent, what is the effect on adoptee of denied contact by birth parent?

MAY: Another argument against the bill.
>Reunion is a very traumatic event.
>Letter is non-sufficient to issue.

079 SEN. SHOEMAKER: Reiterates question.

AUERBACH: In searches there are no guarantees.
>Support network alleviates reunion stress.

089 EPSTEIN: Describes reunion contact.
>Search for birth parent is the healing process.

PETER CONKLING: Submitted written testimony only on SB 348. (EXHIBIT H).

118 BETTY UCHYTIL: Submits and reviews written testimony in opposition to the bill (EXHIBIT I).
>Estimate fiscal impact of \$35,000 to \$70,000.
>Suggests another agency be in charge if legislation is viewed favorably.

143 SEN. SHOEMAKER: How is matching done now?

UCHYTIL: Wishes it was on computer, currently on card index system with

records back to 1918.
>Cost to transfer to computer - \$50,000.
>One person does search by hand.

156 SEN. SHOEMAKER: How often do you get matches?

UCHYTIL: 80 requests per year, match 2-3 per month.

SB 204: Specifies contents of notice to parent of guardian after child is taken into temporary custody

WITNESSES:

TIMOTHY TRAVIS, JUVENILE RIGHTS PROJECT
BETTY UCHYTIL, CSD

176 TIMOTHY TRAVIS: Submits and reviews written testimony in support of the bill (EXHIBIT J).

199 BETTY UCHYTIL: Submits and reviews written testimony in opposition to the bill (EXHIBIT K).

240 SEN. BRYANT: Under what circumstances is guardian entitled to court appointed attorney? Do parental rights have to be threatened?

TRAVIS: Entitled to attorney when there is danger parental rights will be infringed upon and when you meet means test.

252 SEN. BRYANT: Not in all cases, depends on circumstances?

TRAVIS: Correct, for court appointed counsel.
>Someone has to inform parent because of due process considerations.
CSD or another entity.

266 SEN. BRYANT: Logical to put that in the bill? Perhaps include Juvenile services?

TRAVIS: Juvenile services is not the correct agency. Police officer to accompany CSD would be ideal.

284 SEN. SHOEMAKER: Doesn't notice involve an extra step? Should appointment of counsel be arranged before hearing?

TRAVIS: Preliminary hearing determines whether or not to return child. Determination of court appointed counsel is made at hearing.

311 SEN. SHOEMAKER: Would attorney and parent be better prepared and better results ensue if notice earlier?

TRAVIS: Doesn't make a difference as a practical matter.
>Discovery and legal matters are handled at hearing.

328 SEN. SHOEMAKER: No particular reason for notice?

TRAVIS: Notice for is needed for due process reasons.
>Important for people to know if they cannot afford attorney one will
be
appointed.

339 SEN. WEBBER: Was this part of old SB 905? Original purpose was
for
parents to know where their kids were.
>Defeated purpose of original if you require notice as soon as
practical.

UCHYTIL: Language from SB 967. Intent to inform people that their
children were taken into custody.

SB 201: Provides that adoption laws do not prevent adoption
agreements
allowing contact between birth family and adoptive family.

WITNESSES:

KEITH EPSTEIN, AMERICAN ADOPTION CONGRESS
DIANNE MAY, ALARM NETWORK
GERI AUERBACH, OREGON ADOPTIVE RIGHTS ASSOCIATION
TIMOTHY TRAVIS, JUVENILE RIGHTS PROJECT
BETTY UCHYTIL, CHILDRENS SERVICES DIVISION

390 TIM TRAVIS: Submits and review written testimony in support of the
bill
(EXHIBIT L).

455 CHAIR SPRINGER: Notes KEITH EPSTEIN, GERI AUERBACH and DIANNE
MAY
testify in support of the bill.

468 BETTY UCHYTIL: Submits and reviews written testimony in support of
the
bill with suggested changes (EXHIBIT M).

TAPE 29, SIDE B

SB 387: Expands criteria that requires notice to putative father of
adoption
and other proceedings involving child.

042 CHAIR SPRINGER: Due to lack of time, bill is held for future
hearing.

CHAIR SPRINGER: Adjourns hearing at 3:00pm.

Submitted by:

Reviewed by:

Kirk Bailey
Assistant

Karen Quigley
Administrator

EXHIBIT LOG:

A - Testimony on SB 407 - Kate Brown - 1 page
A-1 - Testimony on SB 407 - Tom Johnson - 8 pages
B - Testimony on SB 407 - Betty Uchytel - 2 pages
C - Testimony on SB 407 - Betty Uchytel - 8 pages
D - Testimony on SB 295 - Judge Lund - 2 pages
E - Testimony on SB 295 - Maureen McKnight - 3 pages
F - Testimony on SB 295 - Gary Conkling - 3 pages
G - Testimony on SB 295 - Betty Uchytel - 1 page
H - Testimony on SB 348 - Gary Conkling - 1 page
I - Testimony on SB 348 - Betty Uchytel - 1 page
J - Testimony on SB 204 - Tim Travis - 2 pages
K - Testimony on SB 204 - Betty Uchytel - 2 pages
L - Testimony on SB 201 - Tim Travis - 11 pages
M - Testimony on SB 201 - Betty Uchytel - 1 page
N - LC 3453 - Staff - 2 pages
O - LC 2459 - Staff - 4 pages
P - LC 2300 - Staff - 1 page
Q - LC 2238 - Staff - 7 pages
R - LC 1641 - Staff - 1 page
S - LC 1106 - Staff - 1st page
T - LC 1106-1 - Staff - 1st two pages