

SENATE COMMITTEE ON HUMAN RESOURCES

Wednesday April 3, 1991                      Hearing Room A 3:15 p.m.                      Tapes 57  
- 60 MEMBERS PRESENT:    Sen. Bill McCoy, Chair Sen. Cliff Trow, Vice  
Chair Sen. Shirley Gold Sen. Paul Phillips MEMBER EXCUSEI):    Sen. Bill  
Kennemer STAFF PRESENT: Janice J. Fiegener, Committee Administrator  
Mike Meriwether, Research Assistant Debbie Schieno, Committee Assistant  
Andra Woodrum, Page MEASURES CONSIDERED: SB 134 - Directs CSD to  
regulate adoptions under 18 years of age.

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.

TAPE 57, SIDE A 001 CHAIR McCOY: Calls the meeting to order at 3:25  
p.m. PUBLIC HEARING ON SENATE BILL 134 Witnesses: Bill Carey, CSD Toni  
Peterson, CSD Karen Pierson, CSD Kathy Dexter, Attorney Susan Moffat,  
Attorney Larry Spiegel, Attorney Mike Balter, Boy's and Girl's Aid  
Society Rene Hershey, Boy's and Girl's Aid Society William Lay, Valley  
Family Consultants Warren C. Deras, Attorney John A. Hudson, Attorney  
Ginni D. Snodgrass, Alarm Network Sandra McLaughlin, Holt International  
Linda Vollman, Plan International John Chally, Attorney Russell Kaine,  
Citizen Frances Nichols, Citizen Richard Muller, Attorney Tim Neff,  
Oregon Newspaper Publisher's Assn. Senate Committee on Human Resources  
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012 BILL CAREY, CHILDREN'S SERVICE DIVISION: Testified in support of SB  
134 . Oregon has one of the most liberal adoption laws in the country.  
There is an increase in problems relating to independent adoptions. It  
is good public policy to extend protections in this bill to the citizens  
of Oregon, giving judges the best information possible when making  
decisions on adoption matters. 031 TONI PETERSON, CHILDREN'S SERVICES  
DIVISION (EXHIBIT A): Testified in support of SB 134 and outlined  
Exhibit A. ' 119 SEN. TROW: From the mail we are receiving, people feel  
the regulations will not make it possible for good adoptions to occur.  
131 PETERSON: It is not the intent of the bill to prohibit independent  
adoptions in Oregon. We support the variety of adoptions currently  
possible in the state. We want this flexibility to continue and  
protections increased for all parties. 50% of the adoptions have  
preplacement home studies. 138 SEN. TROW: We have heard that CSD would  
like to cut back in terms of the number of clients. Why would they want  
to take on this additional responsibility? 144 PETERSON: We propose  
that the work load be continued with the private adoption agencies in  
Oregon. CSD does not do independent adoption studies, at this time. 153  
SEN. PHILLIPS: Your testimony mentions 20% of the babies going out of  
state. What is wrong with this? Are they going to the wrong homes, being  
mistreated? None of us are going to defend child abusers adopting  
children, but will this bill fix the situation? Has the bill been  
drafted to address the problem? >A lot of importance is placed on the  
issue of advertising and that somehow it is wrong. This is a basic  
freedom of speech issue. 199 PETERSON: These issues were debated  
internally when drafting the bill. We cannot guarantee that 20% of  
babies going outside the State of Oregon are going to dangerous  
situations. We do not have the ability to follow-up on those cases. 216  
KAREN PIERSON, CHILDREN'S SERVICES DIVISION: Concerning the issue of  
free speech, there are 19 states and the District of Columbia that have  
prohibited advertising for children. >The scope of the problem of child  
abuse in the State of Oregon is relatively small. The bill addresses The

bill addresses those families currently going through an agency. Information is being collected about the families after they have the child in the home and have filed their adoption petition. A home study is Senate Committee on Human Resources April 3, 1991 - Page 3

then done and sent to the court. This bill proposes that the study be done before the child is placed. 260 SEN. PHILLIPS: Do we find a higher rate of problems through the process of private adoptions than through agency adoptions because of the timing of home studies? 270 PIERSON: Yes, there are a higher number of problems in independent home studies. In an adoption handled through an agency, the child can be removed from the home. 281 SEN. PHILLIPS: How many private adoptions have post-custody home studies problems? 287 PIERSON: 10 - 15% of the independent adoptions have problems brought to the attention of the court. 322 SEN. TROW: What current practices would be curtailed by the adoption of this bill. 326 PETERSON: This bill would require interviews with both birth parents, when available. Information would be gathered regarding pre-natal care, family heritage, etc. This would require the prospective adoptive family to receive their home study prior to the child being placed in their home. 355 SEN. TROW: Would this have the tendency to slow down the adoption process? 358 PETERSON: We do not see this slowing the process. If a family is interested in adopting a baby, they have talked about it for awhile. If the laws were changed, they could obtain a study of the family while they are waiting for their child. >Attorneys will still be involved, although they will be unable to advertise for children. 377 SEN. PHILLIPS: If, for some reason, the birth mother does not want to identify the father, will this cause time delays? 390 PIERSON: The law is quite clear in the United States that many birth fathers have legal rights, although they are not married to the mother of the child. Within our agency, we go through an exhaustive determination of rights process. TAPE 58, SIDE A 015 SEN. PHILLIPS: The more expensive we make this process, the less likely it is for those who are not affluent to participate. 021 PETERSON: We have a sliding fee scale. Fees are waived for

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low income families. We also waive the fees for step-parent adoptions and relative adoptions. 051 KATHY DEXTER, ATTORNEY AT LAW (EXHIBIT B): Testified in opposition to SB 134 and outlined several aspects of the bill. She reviewed a legal analysis of the effect of SB 134 (Exhibit B). Four areas were focused in her comments: 1) The extended authority and duties of the Children's Services Division in the area of independent adoption; 2) Listing the requirement for Children's Services Division to act in providing the preplacement counseling to adoptive parents, the preplacement home study, the new review set-up in the final section of the act and the post-placement studies; 3) The reference to race as a criteria that needs to be stated on the front of the petition; and 4) The ban on advertising and all types of speech, which would be construed as solicitation of a child.

263 SUSAN MOFFAT, ATTORNEY AT LAW: Testified in opposition to SB 134 and spoke to the mandatory counseling requirement. >The problem with this bill is twofold. It totally eliminates choice for the birth parent. We deal with many birth mothers who do not feel they need counseling, do not want counseling or may have had bad counseling experiences and are

uncomfortable bearing their soul to people they do not know. TAPE 57, SIDE B 001 MOFFAT: Continues with testimony. 023 LARRY SPIEGEL, ATTORNEY AT LAW: Urged the committee to look at prepared material from Dexter and Moffat. In a private adoption, it is the birth mother who is making the decision. She may prefer the child go to an out of state couple. 116 SEN. TROW: Are there set guidelines, or standards, for attorneys to follow? 120 DEXTER: Currently the ethical conduct is controlled by the Oregon State Bar. The organization is drafting standards. 148 MIKE BALTER, BOY'S AND GIRL'S AID SOCIETY: Testified in support of SB 134 and reviewed written testimony. (EXHIBIT C) 224 RENE HERSHEY, BOY'S AND GIRL'S AID SOCIETY: She supervises all elements of the adoption service. SB 134 begins to address the needs of all members of the adoption triad. >Preplacement studies do protect the children. That is the purpose of a child welfare agency. Every adoption should begin with a preplacement study for the protection of the family.

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274 LINDA STEINHAVER, ADOPTIVE PARENT: Described the adoption process. 300 SEN. TROW: We have heard that the system is not broken and does not need repair. 304 BALTER: Is the purpose of adoption to find babies for families who would like to build their family through adoption? This system is not broken. The system that protects all elements of the adoptive triad, both adoptive families, birth parents and the child, is broken. >The biggest concern which does not show in a statistical summary is the people who enter into a life long decision in ignorance, and five to ten years later feel it is a mistake. >Offered examples in the state of advertising for a child and the child was sold. 350 SEN. PHILLIPS: Was this sent to the District Attorney? Has this been prosecuted? 356 BALTER: This was sent to the District Attorney, but it has not been prosecuted. 359 HERSHEY: We put a judge in an impossible position if a child is already placed in a home and the judge must weigh what is the least damaging to these kids. A preplacement study can identify significant issues in a family. 387 BALTER: Explained a child selling case in St. Helens.

TAPE 58, SIDE B 034 SEN. TROW: When we deal with this bill again, we need to know the extent of the problems. CSD has a lot of problems already and we need to consider whether they can take on this new load. If the system is broken, and there are some inappropriate adoptions occurring, we need to know this. 054 WILLIAM LAY, VALLEY FAMILY CONSULTANTS, INC. (EXHIBIT D): Testified in opposition to SB 134 and outlined Exhibit D. 107 WARREN C. DERAS, ATTORNEY AT LAW (EXHIBIT E): Testified in opposition to SB 134 and outlined Exhibit E. 120 SEN. TROW: Is there monitoring of those attorney's involved in the adoption procedure? 124 DERAS: Not separately from the normal monitoring that goes on with respect to attorney 's. It would be considered an ethics violation for an attorney representing the adoptive parents to give legal advice to the birth parents.

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150 DERAS: Continues testimony. 232 SEN. TROW: What are the fees an attorney would charge for these services? 235 DERAS: An hourly fee of approximately \$100. 276 SEN TROW: If you went through an agency or CSD to adopt a child, there would be a very extensive screening process and money would not be the thing that makes the difference. If you go through an attorney it would be the amount of money which would make the difference. 291 DERAS: Advertising is what costs money which out of state attorneys are using in Oregon. This should not be allowed. The problem with high demand adoptions is making the connection, if you have money. If you do not have money, it is a hit or miss proposition and agencies would be the logical place to go. 360 DERAS: Continues with testimony. TAPE 59, SIDE A 063 JOHN A. HUDSON, PRIVATE ATTORNEY (EXHIBIT F): Testified in opposition to SB 134 and outlined Exhibit F. 206 GINNI D. SNODGRASS, ALARM NETWORK: Testified in support of SB 134. This bill is a small part of the reform necessary in adoption. Hopefully, this legislation will begin to assure that adoptions are done in a proper manner. >There should be legislation included providing, at a minimum, no paperwork is signed for 72 hours before, nor 24 hours after, the sedatives are discontinued. >The certificate of irrevocability should not exist. TAPE 60, SIDE A 009 SNODGRASS: Stated for the record, that they would rather not see change than to have their human value undermined any further. If the bill maintains the current concept we would support the bill. 019 SANDRA McLAUGHLIN, HOLT INTERNATIONAL CHILDREN'S SERVICES INC. (EXHIBIT G): Testified in support of SB 134 and outlined Exhibit G. 096 SEN. PHILLIPS: How many children come from out of state? 102 McLAUGHLIN: We are an international adoption agency, but domestically the majority of the children are from Oregon.

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106 LINDA VOLLMAN, PLAN INTERNATIONAL ADOPTION: Testified in support of SB 134 . She explained the counseling process through their agency. Birth parents coming to their agency receive an average of 30-50 hours of counseling and support of - the adoption planning. She strongly supports preplacement home studies for families of independent adoption. >SB 134 may not be the answer to all of the problems, but it is a start in the right direction. >Advertisements should be banned. 199 JOHN CHALLY, ATTORNEY PRIVATE PRACTICE: Testified on SB 134, stating that he has been on both sides of the issue. Administrative authority in Section 1 (3) may be an abdication of legislative authority. Giving Children's Services Division the opportunity to have this rule making authority is a concern. >Explains his law practice with regard to private adoption. >There is buying and selling of babies in this state. 338 SEN. PHILLIPS: This is not a vehicle to address the problem of buying and selling children. 343 CHALLY: Agrees. This was addressed in the House Judiciary Committee under HB 2673, which would render it illegal to offer or receive money for the relinquishment of a child. 380 RUSSELL KAINE, CITIZEN: Testified in support of SB 134 as a father whose child was given up for adoption. He has cystic fibrosis which is a genetic disease. >They were not offered counseling at the time of the adoption. TAPE 59, SIDE B 046 FRANCES NICHOLS, CITIZEN (EXHIBIT H): Testified in support of SB 134 and outlined Exhibit H. 099 RICHARD MULLER, ATTORNEY PRIVATE PRACTICE: Testified in opposition to SB 134. Has never seen an adoption approved by a judge where the investigation recommended against the adoption. This is a threat to CSD with there present staffing. >SB

134, as written, is unconstitutional. This goes beyond the norm, intruding into the first amendment and the Oregon Constitution. 208 TIM NEFF, OREGON NEWSPAPER PUBLISHERS ASSOCIATION: Testified in opposition to the language contained in the bill which specifically regulates the ability of newspapers to publish advertisements. SB 134 violates interstate commerce laws by stating that adoption ads cannot appear in newspapers sold or distributed in this state. SB 134 bans the sale of out-of-state newspapers containing such ads. This conflicts with

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both the first amendment and the policies of the Interstate Commerce Commission. OMPA is willing to work with the supporters of SB 134 to reach agreeable language. 253 CHAIR McCOY adjourned the meeting at 6:30 p.m.

Submitted by:      Reviewed by:

Debbie Schieno      Janice J. Fiegenger Assistant      Committee  
Administrator

EXHIBIT LOG: A - Testimony on SB 134 - Toni Peterson - 3 pages B - Testimony on SB 134 - Kathy Dexter - 23 pages C - Testimony on SB 134 - Michael Balter - 2 pages D - Testimony on SB 134 - William Lay - 2 pages E - Testimony on SB 134 - Warren Deras - 17 pages F - Testimony on SB 134 - John Hudson - 6 pages G - Testimony on SB 134 - Sandra McLaughlin - 2 pages H - Testimony on SB 134 - Linda Vollman - 46 pages I - Testimony on SB 134 - Frances Nichols - 8 pages J - Testimony on SB 134 - James Wheeler - 1 page K - Testimony on SB 134 - Patricia Brumund - 1 page L - Testimony on SB 134 - Bob & Gail Berry - 1 page M - Testimony on SB 134 - Carol Copley - 2 pages N - Testimony on SB 134 - Richard DiVita - 2 pages O - Testimony on SB 134 - Prenatal Social Workers - 1 page

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