

**Proponent Testimony on House Bill 61
House Judiciary Committee
March 6, 2013**

Nancy L. Burley, LISW-S
Executive Director
Adoption Circle
400 South Fifth Street, Suite 304
Columbus, Ohio 43215
Office: 614-237-7222
Mobile: 614-738-5458
nancy@adoptioncircle.org

Good afternoon Chairman Butler, Ranking Member Stinziano and members of the House Judiciary Committee.

My name is Nancy L. Burley. I am a Licensed Independent Social Worker and State Certified Adoption Assessor. I am grateful for this opportunity and consider it a privilege to present my proponent testimony for HB 61. To support my testimony please consider my professional experiences that follow:

- 1986-Began working with Birthparents who were considering adoption.
- 1987-Present supervised social workers assigned to provide services to birthparents
- 1991-Present co-founder and the Executive Director of Adoption Circle, a state licensed private child placement agency, (PCPA)
- 1986-1996 actively participated in adoption reform legislation that resulted in the passage of HB 419
- 1996 was asked to be a writer of the curriculum for the Tier One Training “Services to Birthparents” as mandated by HB 419. This training is required to become a state certified adoption assessor.
- 1996-Present became a trainer with the Ohio Child Welfare Training Program as an adoption assessor trainer with expertise in “Services to Birthparents” and “Openness in Adoption”.
- 2010- US Senator George Voinovich’s nominee for the “Angel in Adoption Honoree” awarded by the United States Congress

I urge you to pass HB 61, because it is the right thing to do. It is the right thing to do on so many levels. I would like to commend those individuals, like Betsie Norris, whose commitment and perseverance to correct this inequity in Ohio law brings us here today. You will hear from Adoptees, Birthparents and Adoptive Parents whose testimony in support of HB 61 is so powerful that it does not need to be repeated in my testimony.

However, I was there during some of those years. It is my hope to share with you an adoption professional's view of why HB 61, "is the right thing to do".

In 1986 I was hired by an Ohio adoption agency as a social worker. My job was to provide services to birthparents who were considering adoption plans for their children. What did I know about birthparents prior to accepting this position? Sadly, very little, I only visualized the negative stereotypes of people, primarily women, who "gave up" their children for adoption. As I travelled the state of Ohio to meet with my clients, I quickly learned that birthparents were some of the most incredible people that I will ever meet. I am very lucky to have crossed the paths of so many wonderful, caring, and selfless individuals. I will be eternally grateful for that experience. Birthparents come in all ages and walks of life. However, they shared the same desire to do what they felt was best for their children. This desire did not and does not end with the termination of their parental rights.

Prior to the passage of the 1996 law I worked with hundreds of birthparents. Those who completed adoption plans and those that chose to parent their children. The adoption process for birthparents did not include a promise of confidentiality nor did the vast majority of birthparents express any desire for confidentiality. Prior to writing my testimony I contacted other birthparent social workers who worked during the time period but at different agencies. I wanted to see if they shared my experience on this issue and they did. When asked, "did you ever promise confidentiality to birthparents?" their answers were a resounding "absolutely not". On the contrary how could you promise something that you could not guarantee? There were too many opportunities for a breach of confidentiality. An example would be that the birthparent's name might be on the A & D Ointment that was given in the baby bag upon discharge from the hospital. Or the pages of medical records, no matter how well you may have thought you "censored" the information there was always the possibility for information to be shared. It was also important to address with the birthparent the potential for an adoptee to search for them in the future. In addition, a probate court has the power to "open" any adoption record. Our inability to guarantee confidentiality was so great many or most agencies, at minimum, verbally advised the birthparents of this risk. Some agencies like Adoption Circle placed this advisement in writing, please note the excerpt from a "Birthparent Agreement"

"2) The Agency cannot guarantee that any degree of anonymity or openness will be preserved in the future and Birthparents agree that the placement of their child for adoption is not contingent upon ongoing openness or anonymity."

HB 61 is a complete bill as it addresses the need to respect the wishes of every birthparent. It allows birthparents the time and opportunity to voice their current desire for direct contact, contact through an intermediary or no contact. It does this by including the "Contact Preference Form" and making the effective date one year from the date of the passage of the bill. This provision is respectful of the birthparents right to privacy while continuing to respect an adopted person's right to equity under the law.

The testimonies you have heard or will hear today show the many important reasons why HB 61 is the "right thing to do". I believe it would be remiss if the cost effectiveness of the bill was not addressed. As an agency administrator I am extremely aware of the need to be cost effective. My humble opinion is not research based but experience based. I would anticipate the passage of HB Bill 61 would decrease the potential costs to adoptees, probate courts and adoption professionals/agencies. The current three-tier system is inequitable and confusing. As a trainer for "Services to Birthparents" I must address the current Ohio Records Law and I find it confusing. I have attached the handout from the adoption assessor training for your review. Yes, there is the Ohio Reunion or Central Registry and it is a confusing and convoluted process. I believe practices that are confusing and convoluted tend to result in more costs. HB 61 provides a clear and direct route for the adoptee to obtain their birth information. It removes the probate courts and possibly the adoption professionals/agencies from participation in obtaining the information. This ultimately should decrease costs to the agency and/or fees to the adoptee.

The one constant that I have learned from my years of experience from birthparents, adoptive parents, adoption professionals, courts and yes, Ohio law is the primary reason for what we do is, "the best interest of children". The "children" impacted by HB 61 are all now adults or nearing adulthood. HB Bill 61 provides for updated medical information by providing Ohio Birthparents the opportunity to complete and put on file an updated medical history. This allows the adoptee to have updated and possibly more accurate information to address potential health concerns. The adoptees of 1964-1996 whose lives were directed by choices not their own deserve equity under Ohio law. Again, I urge you to pass HB 61, because, "It is the right thing to do".

Thank you for your time and attention in allowing me to share my thoughts with you today. I would be happy to answer any questions you think I could address.

OHIO LAWS REGARDING OPEN RECORDS

Under Ohio law, there are three different groups of adopted persons in Ohio:

- **People adopted prior to 1964**

These individuals have access to their original birth certificates and can obtain them through a request to the Ohio Department of Health.

- **People adopted from 1964 to Sept. 18, 1996**

These individuals can access their original birth certificates and records only through a petition to the probate court which finalized the adoption or through the Central Registry.

- **People adopted after Sept. 18, 1996**

These individuals may have open records when they reach age 21, depending on the wishes of the birth parent. Birth parents will have a continuum of openness from which to choose when signing the voluntary surrender form.