



To: Representative Barker  
Chair, House Committee on Judiciary

From: Michael H. Balter

Date: March 18, 2013

Subject: Testimony on House Bill 3249

I am writing in opposition to HB 3249. Although there is due regard for the role and rights of grandparents, this bill creates unintended consequences for parties involved in the voluntary adoption process. It is clear from Section 1 (7) (a) and the addition of Section 3, that there is serious concern with the Department of Human Services engagement and treatment of grandparents. It is our opinion that the current statute contains the protections desired and that a thorough review and adjustment to the applicable administrative rule may be a better approach to solve the challenges identified.

These changes as written may create a delay in adoption finalization and confusion for children as they make their way through the adoption process. Remember, a day to a child in foster care is a week, a week is a year and a year is a decade. We believe there is the ability to resolve issues of grandparent involvement and rights earlier in the process of custody and child removal from biological parents. This will allow the balance of the rights of the adults and the best interest of the child.

By amending Section 4 as indicated the Bill will include all adoptions, not just those related to involuntary termination. This creates a number of new challenges for the various parties to the voluntary adoption process. This includes birthparent choice, rights of the putative father, conflicts with (ORS109.112), risk of lack of notification to grandparents for the adoptive parents, the conflict with the right to a closed adoption, managing visitation conflicts between biological parents and grandparents. This amendment appears to shift the resolution of years of conflict between parents and grandparents that have not been resolved with legal and professional intervention to be managed by adoptive parents who have stepped forward to raise a child not a family of adults.

Again, it appears that changes that might be needed in the voluntary process can be managed by adjustments to administrative rule.

If you have any questions or need further information please contact me at your convenience.

Sincerely,

*Michael H. Balter*

Michael H. Balter  
President & CEO of Boys & Girls Aid  
503. 542.2303