

House Judiciary Committee March 18, 2013
Testimony of Jane Edwards in support of HB 3249

Mr. Chairman and Members of the Committee,

I support HB 3249 with one exception.

I have no direct connection with the Department of Human Services; however I am a mother and a grandmother. I have seen the suffering which can result when family members are separated. Although this bill may be dubbed a grandparents rights, bill, it is also a grandchildren's rights bill. When trusted adults disappear from children's lives, children may believe it is their fault. They may feel abandoned, unable to trust anyone.

Grandparents provide a link to a child's pasts. They let him know where his quirky walk came from, his brown eyes, his athletic ability or lack there of. The need to know biological relatives can be strong; some would say primal. That's why adoptees, birthparents, and adoptive parents worked for the passage of Ballot Measure 58 in 1998 which allowed adults adopted as children access to their original birth certificates. It's why many adoptees and birth parents spend years searching for each other.

As you know, the Supreme Court ruled in 2000 in *Troxel v. Granville* that parents have the constitutional right to raise children as they deem fit, absent harm to the children. I believe this is best for families.

When the state becomes the parent as in the case of DHS wards, however, the legislature has the right, if not the duty, to give DHS and the courts direction in exercising this responsibility. I think this is also true when a parent surrenders a child for adoption or a parent's rights are terminated. A judge who oversees an adoption has the authority to approve or deny the adoption and to structure the adoption to meet the best interests of the child. A continuing contact agreement between birth and adoptive parents, for example, has to be approved by the judge. Otherwise, there would be no point in requiring that a judge approve an adoption. HB 3249 provides this direction.

I disagree with the requirement in Section (4) page 5, lines 18 and 19 that grandparents be served in all adoption cases. Some mothers surrendering their newborn may not want their parents to know of the adoption or even of the pregnancy. The purpose of service is to allow grandparents to file a motion asking the court to award visitation with the child upon adoption. Under Section 5, page 6, lines 30-31, the court can award visitation only if "a substantial relationship existed prior to the adoption between the child and the grandparent" which could not be the case in an infant adoption. The bill should be amended to require the party filing the petition determine if there may be a "substantial relationship" and if so, to serve the grandparents.

Thank you.

Jane Edwards
6625 W. Burnside Rd #236, Portland, OR 97210
503-297-6765, Janeedwards109@gmail.com