

Testimony of Robin Elizabeth Pope, Attorney - April 7, 2015

HB 2365

Chair Barker and members of the House Judiciary Committee: My name is Robin Pope. I am an attorney in private practice; my practice is limited to adoption and related matters. Over the past 25+ years I have represented birth parents, adoptive parents, adoption agencies, birth grandparents, and putative fathers. I am currently a member of the Oregon Law Commission Adoption Records Work Group and am here to testify in support of HB 2365.

My background includes: Membership since 1997 and current Board member of the American Academy of Adoption Attorneys, a national association of attorneys who practice, or have otherwise distinguished themselves, in the field of adoption law; longtime membership in the Oregon State Bar Family Law Section Standing Committee on Adoption and several years as chair of that committee; many years of pro bono service to Oregon citizens as a Pro Tem Judge in Clackamas County Circuit Court (family law matters) and Washington County Circuit Court (small claims court); service on two prior Oregon Law Commission Work Groups; and service on Oregon DHS Work Groups to review and revise Oregon Administrative Rules regarding adoptions and adoption agencies.

I appreciate having the chance to appear in front of you to testify regarding my support for HB 2365 and request that this statement be submitted for the record.

HB2365 contains a number of housekeeping provisions to address issues that have arisen following passage of SB 623 (Open Adoption Records) in 2013. In addition, HB2365 contains law improvement provisions regarding the process to be used when filing a re-adoption. The OLC Adoption Records Work Group Report walks you through the housekeeping changes and why our Work Group believes they are needed. It is a consensus report and I ask that you support the numerous housekeeping changes requested.

Turning now to re-adoptions: A re-adoption is when adoptive parents have gone to another country and completed the adoption of their child in that country. When they return to Oregon, many of them want to, for example, obtain an Oregon birth certificate for their child, change their child's name, and/or change their child's birth date. A Federal law was passed in early 2014: S. 1614, the "Accuracy for Adoptees Act," which requires that a Federal Certificate of Citizenship for a child born outside of the United States reflect the child's name and date of birth as indicated on a State court order or State vital records document issued by the child's State of residence after the child has been adopted (re-adopted) in that State.

Oregon law currently lacks a statutory process for these re-adoptions. While attorneys and DHS have cobbled together a process over the years, there is little guidance available to the courts, attorneys, DHS, and adoptive parents. What works in one county may not work in another. It is not clear if an Oregon Court can order the change to a child's birth date that is now recognized by Federal law. For many children born in another country and adopted by Oregon families, it is important to provide them with a more accurate date of birth based on the type of evidence enumerated in Section 9 of HB 2365. And for some of these children, successful completion of the re-adoption results in them becoming a U.S. citizen.

The step-by-step requirements for a re-adoption as set forth in HB 2365 Section 9, including provisions detailing how a child's date of birth can be changed, provide needed guidance to attorneys, adoptive parents, DHS, and the courts. This will improve practice and court procedure and allow for consistent treatment of these cases throughout Oregon. These improvements will also provide a clear set of records then available under Oregon's new open records law (SB 623).

In conclusion, I ask for your support of HB2365. Its housekeeping and law improvement provisions will provide clarity and guidance to the Courts, DHS, attorneys, and adoptive parents, and help protect the best interests of adopted children. Thank you for taking the time to consider my input on this important matter.

Sincerely,



Robin Elizabeth Pope