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The Honorable Floyd Prozanski, Chair, and Members of the Oregon State Senate Judiciary Committee:

***re: House Bill 2365 – Adoption Records***

I write in my individual capacity in support of House Bill 2365. I have been in private law practice since 1975 and have appeared in hundreds of adoption cases throughout Oregon on behalf of licensed adoption agencies, adoptive parents, birth parents, putative fathers, children and extended family members. I am a member and vice-chair of the Oregon State Bar Family Law Section's Standing Committee on Adoption Law. I also serve on the Oregon Law Commission's Adoption Law Work Group which produced SB 623 for enactment in the 2013 legislative session (2013 Oregon Laws Chapter 346).

SB 623 enacted reforms — first of their kind in the United States — to standards for access to confidential court child adoption records. A-Engrossed HB 2365 responds to actual experience with SB 623's reforms in two principal ways:

1• HB 2365 cures some *omissions* in SB 623. For example: SB 623 prescribed the contents of an adoption petition and required declaration of the name and relationship to a minor child of all persons who gave a certificate of irrevocability in a so-called independent adoption case. But SB 623 omitted a like requirement in an agency adoption case. HB 2365 cures that omission.

2• HB 2365 also *clarifies* SB 623. For example: SB 623 required court staff to redact an adoption home study or written evidence that a home study was approved from court file materials to which a consenting birth parent may gain access. Lack of clarity about what constitutes "written evidence that a home study was approved" puts an unanticipated burden on court staff to read and selectively redact from individual documents mention of a home study when the intent of SB 623 was to shield on the home study itself. HB 2365 cures that ambiguity. HB 2365 also cures lingering ambiguity related to Oregon licensed adoption agencies' obligations relative to disclosure of confidential adoption records.

Then, in an extension of Oregon's adoption law, HB 2365 provides express authorization, guidance, clarity and consistency for court procedures for re-adoption. For the first time in Oregon, in HB 2365 Oregon adoptive parents who adopted a child in a foreign country will find a clear procedure applicable statewide to have their child's birth properly noted in vital records and to assign what sometimes is an otherwise unknown birth date.

I expect to attend the Committee's May 5<sup>th</sup> Hearing and will gladly respond to questions about this brief statement or offer further testimony. Please include this letter in the record of proceedings on HB 2365. Thank you for your consideration in this important matter.

John R. Wittwer