

Testimony on House Bill 162

March 18, 2014

Good morning, Chairman Mensch, Chairwoman Washington, and members of the Senate Aging and Youth Committee, I am Francis Viglietta, Director of Social Concerns Department for the Pennsylvania Catholic Conference (PCC). Our conference represents all the Catholic bishops of Pennsylvania in the public policy arena. With me today are Teresa McCormack, Esq. from the law firm of Ball, Murren and Connell, legal counsel to our conference, and Kelly Bolton, Program Director for Catholic Charities Adoption Services and Specialized Foster Care for the Diocese of Harrisburg. We appreciate the opportunity to testify in opposition to House Bill 162 which permits adoptees to obtain a copy of their original birth certificate without receiving the consent of birth parents.

To begin, permit me to give a brief overview. Our Catholic Charities/Social Services Agencies in Pennsylvania have been involved in all aspects of adoption for many years. Our adoption agencies have provided services to birth parents, adoptive parents and adoptees, which include counseling, adoption training, adoptive placement and supervision, post adoption services, and adoption searches. Our agencies have provided services in thousands of adoptions. We feel that our long involvement in all aspects of the adoption process gives us particular insights and experience that enable us to work effectively with others in assuring that adoption proceedings in Pennsylvania are fair and compassionate.

PCC, through its staff, legal counsel and Catholic Charities agencies, has been involved in the reform of the Adoption Act in Pennsylvania for many years. Pennsylvania's Adoption Law has been revised numerous times since its enactment as a response to concerns raised by parties involved in the adoption process. Significantly, a Joint State Government Task Force was created in 1995 to comprehensively reform the adoption law in Pennsylvania. Two members of our Catholic Charities Agencies participated in that Task Force. Although the comprehensive legislation that was introduced as a result of that Task Force was not passed, PCC worked with legislators for many years thereafter to revise portions of the Adoption Act. Of great concern to many involved with adoption was the difficulty that adoptees and birth parents had in searching for each other and in obtaining information. PCC worked cooperatively with other organizations and Senator Greenleaf to revise the Adoption Act to make the adoption search process easier and more responsive to the needs of the parties involved in adoption. As a result, Act 101 of 2010 was enacted.

Act 101 of 2010 reformed the adoption search process by creating a statewide, confidential, Information Registry for the receipt, filing and retention of medical and social history information for all adoptions finalized or registered in Pennsylvania. Act 101 streamlined the process by which information, identifying and non-identifying, is released by setting forth procedures and time periods within which a court or agency must provide available information. Act 101 expanded the category of those who may request information to include birth parents and other family members. Previously, only the adoptee could seek information. In addition, Act 101 improved the process by which adoptees and birth parents can file and

request medical history information. Most importantly, however, Act 101 kept the intermediary system in place for the search for information, thus preventing the unilateral release of information. The intermediary system involves a trained court or agency representative who conducts the search for information. If a party to the adoption is not willing to release identifying information, that decision is honored by the representative and the party's privacy is protected.

House Bill 162 would give an adoptee a copy of the summary of the birth record (what is commonly known as a birth certificate), with the names of the birth parents, **whether or not the birth parents consent**. Under the current law, a birth parent can file a consent to release this information with the Department of Health, Vital Records Division. House Bill 162 would eliminate this carefully crafted safeguard and unilaterally release the identity of the birth parents.

PCC continues to believe that it is very important that an intermediary serve to help all parties involved in adoption work through the issues and strong feelings that arise during a search. Although many birth parents are not opposed to being located, there are some who may not be ready, and may never be ready, to deal again with the pain and grief they experienced at the time they placed their child for adoption. For example, a birth parent may not have prepared her current family for revelation of a long kept secret. Other birth parents may be mentally or emotionally unprepared to deal with the issues. Moreover, some birth parents simply are not ready to meet their surrendered child when the adoptee is ready to search – for these birth parents, the timing is just not right. Thus, when confronted

without warning or preparatory counseling, the relationship may get off to such a bad start that it has no chance of flourishing. The counseling provided by an experienced and trained intermediary is essential to address the needs of the many people involved in the adoption search process. The law was, we think, effectively revised in Act 101 so that the current law balances the needs of all those involved in the adoption. The current adoption law makes available as much information as possible without violating the privacy of the birth parents. Through careful deliberation, give and take, and evaluation, the current law, by virtue of Act 101, does not place the interests of one party to the adoption above the others. That recently developed policy should not be abandoned in favor of House Bill 162.

As stated previously, our conference's primary concern is that the interests of all parties involved in adoption proceedings, the adoptee, adoptive parents and the birth parents, are respected. We are keenly aware of the frustration, pain and even anger being felt by adoptees who want to identify their birth mothers. At the same time, however, Catholic adoption staff have assisted and continue to maintain contact with birth mothers, many of whom originally agreed to place their children for adoption with the understanding that their identities would not be revealed unless they freely chose to do so. Even after many years, several of these mothers still insist on having their identities kept private for various reasons. A few months ago, I received a letter from a woman who had learned about House Bill 162 and wrote to express her opposition to the bill. She does not want her name released – a concern that is probably shared by many birth parents who oppose the bill but who are not willing to

give up their anonymity. If enacted, House Bill 162 would unilaterally ignore the wishes of this woman and other birth parents who share this concern. It would destroy the respect for privacy needed for adoption procedures to be successful.

I would be remiss if I did not raise another concern. Common sense tells us that a woman faced with the difficult decision of whether to place her child for adoption might also be more easily inclined to consider aborting the child if her desire to have her identity remain private was not protected. No, not all women would feel this way, but it is very realistic to assume that some would and this possibility must be factored in when deciding on a bill like House Bill 162. The Pennsylvania Catholic Conference is very aware of this possibility and it gives us another reason to be concerned about the real and possible implications of House Bill 162.

Recently, during my discussions with our Catholic social service directors and staff, I was told about two women. Tragically, these women were victims of rape and became pregnant. They went to our agencies for assistance and counseling and eventually both decided to carry their babies to term and then place them for adoption. However, both of these courageous women agreed to place their babies for adoption **only if their identities would remain private** so that the children conceived of a barbaric rape would never be able to know the identities of their birth mothers. Indeed, given the circumstances, the Pennsylvania Catholic Conference recognizes that the essential need for privacy expressed by these women is legitimate and compelling. House Bill 162 would negate their requests for privacy and confidentiality.

Finally, today the Pennsylvania Catholic Conference is speaking in opposition to a bill giving adoptees access to identifying information about their birth mothers without the consent of these mothers. But I should note also that if legislation was introduced shifting the balance in adoption proceedings to favor birth mothers or adoptive parents and, in so doing, ignore the concerns and rights of the adoptees, our conference would speak out in opposition to such legislation as well because the rights of one of the parties involved in adoption proceedings would be violated. Of course, this is just a hypothetical situation I'm raising, but I'm sure you understand the point being made. Respecting the wishes of those involved is key to a successful and productive adoption process.

For the reasons stated previously, the Pennsylvania Catholic Conference urges you to oppose House Bill 162.

Thank you for your consideration.

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