

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA

\* \* \* \* \*

House Bills 1533 and 1838

\* \* \* \* \*

House Judiciary Committee  
Task Force on Adoptions, Guardians Ad Litem  
and Court Appointed Special Advocates

Room 60, East Wing  
Main Capitol Building  
Harrisburg, Pennsylvania

Monday, December 13, 1999 - 1:06 p.m.

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**BEFORE:**

- Honorable Craig Dally, Majority Chairperson
- Honorable Jerry Birmelin
- Honorable Scot Chadwick
- Honorable Brett Feese
- Honorable Chris Wogan
- Honorable Peter Daley
- Honorable Frank Dermody
- Honorable Kathy Manderino
- Honorable Joseph Petrarca
- Honorable Don Walko

X

**ALSO PRESENT:**

**Dave Bloomer**  
Majority Research Analyst

**Judy Sedesse**  
Majority Administrative Assistant

**Mike Rish**  
Minority Executive Director

**Jane Mendlow**  
Minority Research Analyst

**Beryl Kuhr**  
Minority Counsel

**Dave Callen**  
Representative Daley's Staff

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Maxine Chalker, Executive Director Adoptions From the Heart	
James R. Adams, Esquire	

1           CHAIRPERSON DALLY: Good afternoon. I'd like  
2 to first thank the witnesses and members of the Task Force  
3 who are here today. And I will introduce them beginning  
4 on -- and members of the House Judiciary Committee that are  
5 here. I'll introduce them beginning on my right.  
6 Representative Frank Dermody from Allegheny County. On my  
7 left is Scot Chadwick from Bradford and Susquehanna County,  
8 and Jerry Birmelin from Pike and Wayne Counties.

9           I'd also like to welcome Jane Mendlow,  
10 Research Analyst with the House Judiciary Committee, who's  
11 here on behalf of Representative Blaum. Representative  
12 Blaum is the prime sponsor of the two bills that are the  
13 subject matter for the hearing today.

14           I appreciate your interest in this very  
15 important issue that we're going to be taking a look at  
16 today. We're here today to talk about Pennsylvania's  
17 adoption laws, some of the problems that adoptive parents  
18 have been encountering during the process, and the  
19 potential solutions to those problems that we can introduce  
20 then in the General Assembly.

21           As I stated, we'll be discussing two bills  
22 introduced by Representative Blaum dealing with consent to  
23 adoption, adoption counseling, and some other issues.  
24 We'll also be hearing from people who are on the front  
25 lines of the issue, so to speak, adoptive parents and those

1 couples who want to adopt a child.

2 I think it's important that we as legislators  
3 and policymakers hear from the people who are in the  
4 process of dealing with an adoption, for they are in the  
5 best position to shed light on what parts of the system are  
6 working and what parts of the system need improvement.

7 Right now I don't think any of us claim to be  
8 experts on the issue. And hopefully, the testimony today  
9 will enlighten us all and we'll be able to determine what  
10 our jobs should be as legislators. So I look forward to  
11 working closely with members of the Task Force, parents,  
12 advocates, and any other party that has an interest in this  
13 legislation and in the adoption process in Pennsylvania.

14 So thank you and welcome. A few housekeeping  
15 measures. We do have some testimony that is going to be  
16 submitted for the record. Jim Adams, who is a private  
17 attorney in Lancaster County and active with the Adoption  
18 Advisory Committee of the Joint State Government  
19 Commission, will be submitting written testimony on behalf  
20 of an anonymous client of his.

21 We also have some written testimony that's  
22 going to be read into the record from Melanie Miller, who I  
23 understand is here. And her testimony will be read into  
24 the record. And if there's other issues like that, we will  
25 address them as we move forward.

1                   With that being said, I'd like to recognize  
2 Jane Mendlow, the Research Analyst for Representative Blaum  
3 and for the House Judiciary Committee, who would like to  
4 present a statement.

5                   MS. MENDLOW: Thank you, Representative Dally,  
6 for convening this hearing on legislation that  
7 Representative Blaum has introduced to improve adoption  
8 procedures in our state. I will be reading the  
9 Representative's remarks, as he could not be here today.

10                   "I deeply regret that I am unable to attend  
11 today's hearing but assure you that I am determined to see  
12 adoption reform become a reality in Pennsylvania. I look  
13 forward to reviewing the recommendations from today's  
14 hearing and working with my colleagues and all those who  
15 have an interest in this area of law to fashion changes  
16 that address deficits in current law.

17                   These bills address issues related to the  
18 open-ended period of time given birth parents to revoke  
19 their consent to an adoption in Pennsylvania. Unlike the  
20 vast majority of states, Pennsylvania law permits a parent  
21 to revoke his consent to an adoption for any reason and at  
22 any time prior to either the court's final adoption decree  
23 or the court's termination of parental rights, whichever  
24 occurs first.

25                   Pennsylvania has one of the longest periods

1 for revocation of consents, which puts the entire adoption  
2 process at enormous legal risk, undermines the stability of  
3 the child's placement, causes unnecessary emotional anguish  
4 for adoptive parents, and prevents birth parents from  
5 bringing closure to a difficult decision in their lives.

6 A survey of how nearby states treat revocation  
7 of a consent to an adoption reveals that Pennsylvania's law  
8 is the most open-ended. Maryland has a 30-day revocation  
9 period; New York, a 30-day period if the child is placed  
10 with an agency, or 45 days if in a private placement;  
11 Virginia, a 15-day period; the District of Columbia, a  
12 10-day period; and Delaware, a 60-day period.

13 Connecticut makes the consent irrevocable  
14 unless the court finds fraud, duress, or coercion. West  
15 Virginia provides up to 20 days unless the written  
16 execution of the consent advises the parent that the  
17 consent is irrevocable. Massachusetts makes the consent  
18 irrevocable, as does New Jersey if the child is placed with  
19 an adoption agency.

20 The 1991 Legislative Budget and Finance  
21 Committee Report on adoption processes in Pennsylvania,  
22 which reviewed other states' adoption laws and obtained  
23 comments from adoption experts in our state, recommended  
24 that a birth parent's consent to an adoption should be  
25 irrevocable after 30 days.

1           This recommendation is reflected in House  
2 Bills 1533 and 1838. Both bills propose to shorten the  
3 revocation period to 30 days following the execution of  
4 consent. However, House Bill 1838 goes further, linking  
5 this shortened period with improvements in adoption-related  
6 counseling for birth parents. And this is done to ensure  
7 the birth parent is making an informed decision regarding  
8 his consent to an adoption.

9           House Bill 1838 requires the offer of  
10 adoption-related counseling to a parent who consents to an  
11 adoption or voluntarily relinquishes his rights; permits  
12 adoptive parents to pay for adoption-related counseling;  
13 requires that counseling be provided through an approved  
14 adoption agency; and expands access to each county's  
15 adoption counseling fund, which currently is funded by a  
16 \$75 court fee for filing a report of intention to adopt.

17           House Bill 1838 also tries to ensure more  
18 finality to the adoption process by terminating the rights  
19 of putative fathers who have not taken concrete steps to  
20 care for and support their children. I know all of us will  
21 benefit from this hearing and will want to work together to  
22 make improvements in adoption law.

23           Thank you for allowing me to offer these  
24 introductory remarks."

25           CHAIRPERSON DALLY: Thank you, Jane. And



1 those remarks will be entered into the record. And before  
2 we call our first person to testify, I'd like to recognize  
3 Representative Kathy Manderino from Philadelphia County  
4 who's just joined us.

5                   Okay. Nancy Marcus. Nancy is Chair of the  
6 Adoption Advisory Committee, Joint State Government  
7 Commission. Welcome, Nancy.

8                   MS. MARCUS NEWMAN: Hi. Thank you. Good  
9 afternoon.

10                   CHAIRPERSON DALLY: I'm sorry. Nancy Marcus  
11 Newman. I stopped short there. Sorry.

12                   MS. MARCUS NEWMAN: I'm Nancy Marcus Newman.  
13 And I serve as Chair of the Joint State Government  
14 Commission Advisory Committee on Adoption Law, which  
15 has -- which has been in the process of actively reviewing  
16 Pennsylvania's present adoption law since January of 1998.

17                   The Commission was directed, through a  
18 concurrent resolution adopted by both the House and the  
19 Senate, to establish a task force and an advisory committee  
20 to study the Commonwealth's adoption law and make  
21 recommendations regarding the law to the General Assembly.

22                   The members of the Advisory Committee on  
23 Adoption Law include birth parents, adoptive parents, adult  
24 adoptees, child advocates, persons working in the adoption  
25 field, lawyers, judges, a court administrator, a professor,

1 and a representative of the Department of Public Welfare.

2           Four subcommittees have been formed to study  
3 specific areas of adoption law and have held numerous  
4 meetings to date. The subcommittees are Placement and  
5 Costs, Search and Information, Special Needs, and  
6 Terminations.

7           Materials being reviewed by the subcommittees  
8 include the Federal Adoption and Safe Families Act of 1997;  
9 the Model State Adoption Act, which was developed under the  
10 authority of the Federal Child Abuse Prevention and  
11 Treatment and Adoption Reform Act of 1978; the Uniform  
12 Adoption Act. We're looking at Legislative Budget and  
13 Finance Committee reports, we're looking at case law,  
14 adoption literature, and the laws of other states, as well  
15 as legislation introduced here in Pennsylvania.

16           Procedurally, the Committee will prepare  
17 proposed amendments to the Adoption Act and present them to  
18 the Commission's Task Force on Adoption Law, which is  
19 chaired by Senator Stewart Greenleaf. If approved by the  
20 task force, legislation containing the Committee's  
21 recommendations will be introduced in the General Assembly  
22 by task force members.

23           The proposed legislation will be accompanied  
24 by a report from the advisory committee containing official  
25 comments. We're working hard to reach our goal of

1 presenting a report to the General Assembly in the late  
2 spring of 2000. We hope that the Legislature will take  
3 into consideration our recommendations in formulating the  
4 changes in the current adoption law which are necessary to  
5 promote the best interests of Pennsylvania's children.

6           The advisory committee is currently involved  
7 in a diligent effort on behalf of the Legislature to  
8 examine complex adoption issues which must be viewed  
9 comprehensively with the Adoption Act as a whole and  
10 balanced against other issues throughout the act so that  
11 all changes will have their intended effect.

12           In fact, providing a much needed comprehensive  
13 review of adoption as a whole in Pennsylvania was one of  
14 the reasons for formation of the task force and advisory  
15 committee. The Adoption Act is a seamless web of issues  
16 and procedures. By making a specific, seemingly sensible  
17 change at one place, legislation can have unexpected and  
18 possibly undesired consequences elsewhere.

19           The Adoption Act directly affects the  
20 well-being of our most vulnerable citizens, our children.  
21 Great care must be taken in promulgating changes to these  
22 laws so that our children's best interests are served. I  
23 can assure you that our advisory committee, which has been  
24 entrusted with the comprehensive review of this act, is  
25 doing its work well and always with the children as our

1 primary focus and concern.

2           We have been working very hard at preparing  
3 proposed amendments to the Adoption Act. Both our  
4 subcommittees and the advisory committee as a whole have  
5 discussed the issues addressed in House Bill 1533 and House  
6 Bill 1838. And we're currently in the process of preparing  
7 a proposed comprehensive draft of suggested legislative  
8 amendments that will address many of the concerns voiced  
9 today relating to consents to adoption, time periods and  
10 procedures for revocation of consent, relinquishment of  
11 parental rights, rights of putative fathers, adoption  
12 hearings, adoption counseling, reports and filing  
13 procedures, and medical history and other information.

14           The advisory committee is still in the process  
15 of discussing these issues, and these are the issues  
16 addressed in the bills which are the subject of today's  
17 discussions. But it's too early for the advisory committee  
18 to make any substantive statements regarding these  
19 particular bills. But please be assured that in all of our  
20 deliberations, all of these concerns are receiving the much  
21 needed attention that they deserve.

22           We're delighted that a public hearing was  
23 scheduled to discuss these critical issues that so deeply  
24 affect the well-being of Pennsylvania's children. In  
25 forming the advisory committee, great attention was paid to

1 assuring that all groups of concerned citizens involved in  
2 or affected by adoption in Pennsylvania were included, and  
3 we are pleased to be here and to hear the perspective of  
4 experts and members of the public on these issues.

5           The advisory committee is very interested in  
6 the testimony presented today and is taking into  
7 consideration the viewpoint of all those concerned. We  
8 remain open and available to receive input from the public  
9 and parties who may have a perspective they wish to voice  
10 on how Pennsylvania's adoption laws should be changed.

11           In addition, as always, we stand ready and  
12 willing to assist the Legislature in any way regarding  
13 adoption issues and legislative concerns surrounding  
14 Pennsylvania adoption laws. We appreciate the  
15 Legislature's attention to these important issues in the  
16 form of public hearings.

17           And I thank you for the opportunity to testify  
18 regarding the work of the advisory committee. Thank you.

19           CHAIRPERSON DALLY: Thank you, Ms. Newman.  
20 Before we start with questions, I'd like to recognize  
21 Brett -- Representative Brett Feese from Lycoming County  
22 who's also joined us. Questions for Ms. Newman? Starting  
23 on my left, Representative Birmelin.

24           REPRESENTATIVE BIRMELIN: Just a couple quick  
25 questions. The resolution attached to your testimony, Ms.

1 Newman, indicates that the Senate Resolution was introduced  
2 in October 1995. I'm not sure if you had it in here or  
3 not. Is that when you were created?

4 MS. MARCUS NEWMAN: We were -- we were  
5 actually established by that resolution. It took some time  
6 for the task force members to be appointed.

7 REPRESENTATIVE BIRMELIN: And how long have  
8 you actually been working on this?

9 MS. MARCUS NEWMAN: Since 1998 we actually  
10 started meeting as an advisory committee.

11 REPRESENTATIVE BIRMELIN: When in 1998?

12 MS. MARCUS NEWMAN: January.

13 REPRESENTATIVE BIRMELIN: January?

14 MS. MARCUS NEWMAN: Uh-huh.

15 REPRESENTATIVE BIRMELIN: So you've been at it  
16 for about a year?

17 MS. MARCUS NEWMAN: About a year.

18 REPRESENTATIVE BIRMELIN: One other question.  
19 You may have been here for the opening statement that was  
20 read on behalf of Chairman Blaum.

21 MS. MARCUS NEWMAN: Yeah.

22 REPRESENTATIVE BIRMELIN: And I looked through  
23 one of his bills, and I couldn't find the answer to it.  
24 And I apologize. I don't know if it's here or somewhere  
25 else. But maybe a quick question from you and a quick

1 answer resolves it.

2           What is the current time period in which a  
3 person who gives up a child has the right to negate that  
4 agreement from the time they give up a child for adoption?  
5 In other states, there's, you know, 30 days, 60 days.  
6 What's Pennsylvania's time frame?

7           MS. MARCUS NEWMAN: Well, currently there is  
8 not an exact day period. It's based upon when certain  
9 proceedings are finished. And that would actually be  
10 when -- I believe when the termination is granted so --

11           REPRESENTATIVE BIRMELIN: Can you give me a  
12 ballpark figure then as to how long it would normally take  
13 in Pennsylvania? What's the quickest that you've seen it?

14           MS. MARCUS NEWMAN: Well, theoretically,  
15 theoretically, it could take, you know, any -- it could  
16 take just a matter of days. But oftentimes --

17           REPRESENTATIVE BIRMELIN: In reality, it  
18 doesn't?

19           MS. MARCUS NEWMAN: No. Oftentimes, it  
20 takes -- it could take 30, 60 days. I mean, that's  
21 something that we're actually examining now and we're  
22 looking at in light of other states. The problem is, is  
23 that there -- when you deal with an issue such as  
24 termination and revocation of consent, there are a lot of  
25 counterbalancing factors that have to be considered in

1 terms of what time period they're going to give the birth  
2 mother to actually revoke her consent.

3           Thirty days was suggested by the Legislative  
4 Budget and Finance Committee. But currently under  
5 Pennsylvania's law, because they don't set an exact day  
6 period, it is open-ended. And that's something we're  
7 addressing.

8           REPRESENTATIVE BIRMELIN: Thank you. And one  
9 last question. The adoption laws that apply in  
10 Pennsylvania are only to those people who actually make the  
11 adoption binding in that state; is that correct? In other  
12 words, Pennsylvanians, if you go to another state, you have  
13 to abide by the other state's law.

14           But if you live in Pennsylvania and adopt in  
15 Pennsylvania or people that don't live in Pennsylvania and  
16 come into Pennsylvania to adopt are guided under the  
17 governance of Pennsylvania law; is that correct?

18           MS. MARCUS NEWMAN: That's correct. If the  
19 adoption occurs in Pennsylvania and they're residents of  
20 Pennsylvania, you'd be subject to Pennsylvania law. But  
21 also, it depends on the state that you're dealing with. A  
22 lot of the states, depending on what the aspect of the  
23 adoption is, they will accept as valid whatever the other  
24 state accepts as valid.

25           So in other words, if we have a consent to an



1 adoption that is signed here, if it's valid in this state,  
2 depending on what other state you go to, they would accept  
3 it as valid if it's valid here.

4 REPRESENTATIVE BIRMELIN: And is the bottom  
5 line here in this geographical designation the location of  
6 the child to be adopted? Is that the determining factor of  
7 what state the adoption occurs in?

8 MS. MARCUS NEWMAN: No. You mean where the  
9 child is born? It depends.

10 REPRESENTATIVE BIRMELIN: No, where the child  
11 resides.

12 MS. MARCUS NEWMAN: Yeah. It would be -- it  
13 would be where the child -- well, actually, to tell you the  
14 truth, that's a matter of, you know, legislative language,  
15 I mean, that we're still looking at. But it would  
16 basically be where the adoptive parents -- are you talking  
17 regarding the revocation of consent or --

18 REPRESENTATIVE BIRMELIN: Well, primarily,  
19 yes. But --

20 MS. MARCUS NEWMAN: I mean, the revocation of  
21 consent would apply where it was signed.

22 REPRESENTATIVE BIRMELIN: I can imagine that  
23 an unwed mother who wishes to give up her child for  
24 adoption is contacted by somebody out of state, three  
25 states away and they meet halfway and they say, Here, you

1 can adopt my daughter or my son in this state in between  
2 us.

3 And neither one is from the state in which it  
4 occurs. And yet the child was a resident of state A, and  
5 the adoptees are -- or the adoptive parents are from, you  
6 know, state B and remain in state C. I mean, this could  
7 become very confusing. And I can tell by the answer that  
8 I've already gotten. And I'm confused.

9 But I'm just trying to get a handle on  
10 where -- whose law governs in these aspects of adoption.  
11 Is it the law -- is it the child's state residence that  
12 determines this or --

13 MS. MARCUS NEWMAN: Well, it depends on the  
14 aspect. And actually, there's an entire piece of  
15 interstate legislation that's federally based called the  
16 Interstate Compact on Placement of Children, or ICPC, that  
17 governs a lot of these issues.

18 So when children are actually moved over state  
19 boundaries, there's a whole filing process that takes  
20 place. And there's all kinds of hierarchical, you know,  
21 hierarchical laws of which state would apply depending on  
22 what the state situation is because you can have any number  
23 of combinations of issues.

24 And also, it depends on which particular  
25 aspect of the adoption is taking place as well. So there's

1 no real clear-cut answer, like if the adoptive parents live  
2 in Pennsylvania, Pennsylvania law is going to apply because  
3 it depends on what aspects of the act you're looking at.  
4 It also depends on where they're coming from and at what  
5 point in the adoption.

6 REPRESENTATIVE BIRMELIN: So any legislation  
7 that we pass sounds to me like it's only going to apply  
8 when Pennsylvanians adopt Pennsylvania --

9 MS. MARCUS NEWMAN: No, that's not true. It  
10 would apply when a child from out of state is brought into  
11 Pennsylvania as well. It would also apply when a birth  
12 mother takes certain actions in this state. For example,  
13 if she were to sign a consent to an adoption here and then  
14 the baby were to be removed from this state, that  
15 revocation would still apply.

16 So it would apply to various aspects of it.  
17 It will continue to apply often even after the child is  
18 removed from the state.

19 REPRESENTATIVE BIRMELIN: Thank you for your  
20 answers.

21 CHAIRPERSON DALLY: Just one quick question on  
22 the issue of consent. Is that something your task force is  
23 looking at?

24 MS. MARCUS NEWMAN: Absolutely.

25 CHAIRPERSON DALLY: So there -- you feel that

1 there should be a definitive time line or a time frame for  
2 that as opposed to based upon the entry of the -- of the  
3 decree by the court?

4 MS. MARCUS NEWMAN: Well, I mean, I can't tell  
5 you where we've come out on it right now. But certainly,  
6 the fact that it's open-ended at this point is something  
7 that's been discussed at length in our meetings, both in  
8 the subcommittee meetings and in the advisory committee  
9 meetings.

10 And I can tell you that it is being absolutely  
11 addressed in all of our discussions. So it's something  
12 we've really taken very seriously.

13 CHAIRPERSON DALLY: Okay. Good. Thank you.

14 MS. MARCUS NEWMAN: Thank you.

15 CHAIRPERSON DALLY: Next on our agenda, Craig  
16 and Melanie Kollar. Did I pronounce that correctly, or is  
17 it Kollar?

18 MRS. KOLLAR: It's Kollar.

19 CHAIRPERSON DALLY: Kollar. Okay. Craig and  
20 Melanie Kollar. You can proceed.

21 MRS. KOLLAR: Good afternoon. My name is  
22 Melanie Kollar. And first, I'll be reading testimony for a  
23 couple who wishes to remain anonymous at this time. This  
24 is by the parents of J.L.

25 "We want to thank you for the opportunity to

1 present our story. There are aspects of our son's history  
2 we feel strongly he should hear only from us when he is  
3 ready. Still we felt it important for you to hear how  
4 Pennsylvania's adoption laws have impacted our family.

5           Our story began ten months ago with the birth  
6 of our son J.L. While Pennsylvania law does not yet  
7 recognize him as our son legally, in every meaningful sense  
8 of the word, he is. We have loved him, comforted him, and  
9 nurtured him since we brought him home from the hospital at  
10 two days old.

11           J.L.'s birth mother didn't feel she could  
12 adequately care for this, her second child, and made the  
13 loving decision to place him for adoption. She contacted  
14 our adoption agency and, upon his birth and within 24  
15 hours, selected us to become his parents.

16           We should note that to this day, she remains  
17 committed to her decision and feels strongly that J.L.  
18 belongs with us. We then located J.L.'s birth father who  
19 was serving time at a county prison. This was the second  
20 child he fathered with the birth mother.

21           We were told he showed little interest in the  
22 first child. So we had reason to believe he'd have no  
23 interest in parenting J.L. Unfortunately, we were proven  
24 wrong. He was surprised and angry upon learning of the  
25 birth mother's decision, and he refused to consent to the

1 adoption.

2           It's important to note, however, that he did  
3 not indicate he was willing to parent this child himself.  
4 In fact, he never asked to visit or even see a picture of  
5 J.L. He never inquired about his well-being, and he never  
6 offered to send any type of support.

7           Everyone involved, including the birth mother,  
8 social workers and lawyer, believed that this was a case of  
9 wounded pride; that the birth father wasn't so much  
10 interested in raising a son as making a statement that he  
11 was in control and would not be told what to do.

12           Unfortunately, because the birth father did  
13 not agree to voluntarily terminate his rights, we were  
14 forced to wait the mandatory four months before our lawyer  
15 could proceed to have his rights terminated involuntarily.  
16 Four days is a long time when you're talking about bonding  
17 with a child, never mind four months.

18           But we held on, and our lawyer filed the  
19 papers for the termination hearing with the necessary legal  
20 justification to do so. Of course, the court system moves  
21 incredibly slowly; and it would be another two months  
22 before a hearing date could be scheduled.

23           At this point, J.L. was six months old. Six  
24 months is an eternity. Up until the date of the hearing,  
25 we truly believed that the birth father would ultimately

1 agree to forfeit his rights. After all, how could he be  
2 interested in being a parent when it didn't occur to him to  
3 even inquire about his son?

4 He was fresh out of prison with no permanent  
5 home, no steady job, and no apparent family support system.  
6 Unfortunately, we were proven wrong again. The birth  
7 father attended the hearing and again refused to consent to  
8 the adoption. The judge appointed him a lawyer and  
9 scheduled another hearing to review the case.

10 This hearing could not be scheduled until  
11 three months later in early November when J.L. would be  
12 nine months old. We were then told that the judge would  
13 not make an immediate decision at the end of the hearing  
14 and that it would be at least another month until our son's  
15 fate was determined.

16 Based on the birth father's history and the  
17 particular circumstances of this case, we were hopeful that  
18 the judge would agree that J.L.'s best interests would be  
19 served by remaining with us, the only parents he knows.  
20 But we understood there are no guarantees.

21 Fortunately, our story has a happy ending.  
22 Halfway through the November hearing, the birth father  
23 agreed to voluntarily relinquish his parental rights. We  
24 do not know the exact reason why. We do know that we'll  
25 never feel such a wave of relief come over us again.

1           Now that both parental rights have been  
2 terminated, we are awaiting a court date to finalize J.L.'s  
3 adoption. Again, the courts move slowly; and it's likely  
4 that J.L. will be a year old before he is made legally our  
5 son. The process of adopting a child in Pennsylvania is  
6 incredibly stressful.

7           The agony of waiting and wondering is  
8 something you can't imagine. We knew we loved J.L. with  
9 all of our hearts and soul and would fight to the end to  
10 remain his parents. Yet we also know we can never again  
11 adopt a child in this state under the current system.

12           We just don't have the emotional stamina to go  
13 through this process again. Every adoptive parent knows  
14 there are risks involved in domestic adoptions, but  
15 Pennsylvania law asks too much of us and the children we  
16 love. We believe that a birth father has the right to be  
17 notified of the birth of his child and should be given a  
18 reasonable amount of time to decide what to do with that  
19 information.

20           But four months plus the time it takes to  
21 schedule a hearing is an unreasonable amount of time for  
22 everyone involved. And certainly, 10-plus months before a  
23 child's future is ultimately decided is simply cruel. It's  
24 not fair to the adoptive parents who are expected to remain  
25 in emotional limbo.



1           It's not fair to the birth mother who made the  
2 decision in the best interest of her child and now wants to  
3 move on. And most importantly, it's not fair to the child  
4 who's forming attachments to the adoptive parents with  
5 every passing day.

6           We appeal to your good sense and ask you to  
7 change the law so that waiting times are shortened and  
8 birth fathers are forced to deal with their  
9 responsibilities in a timely manner. Thank you."

10           CHAIRPERSON DALLY: Mr. Kollar, you may  
11 proceed.

12           MR. KOLLAR: My name is Craig Kollar. And  
13 along with my wife Melanie, we would like to thank  
14 Committee members for allowing us today to testify in  
15 support of adoption reform. After several years of  
16 infertility, we decided to devote our love and priorities  
17 to a less fortunate child by way of adoption.

18           Through our family physician, we met a  
19 25-year-old unwed woman approximately three months into her  
20 fifth pregnancy and forged a relationship that allowed us  
21 the future privilege of raising her child. The birth  
22 mother explained that the biological father would not  
23 acknowledge his role in the pregnancy and was disinterested  
24 in maintaining a relationship with her.

25           With little means and no supportive spouse,

1 she rationalized that it would be in the baby's best  
2 interest to be adopted by a more capable couple. On  
3 January 1 of this year, our birth mother bore a beautiful  
4 girl we named Allison. We could not have asked for a  
5 better way to start the new year.

6           The following day, we took Allison home to her  
7 remodeled room and placed her in the crib that lay empty  
8 for over a year. The bonding was immediate. The  
9 overwhelming joy of the day overshadowed any previous  
10 anxieties we had about losing Allison to her biological  
11 parents.

12           However, the days past; and we became  
13 increasingly unsettled as the birth mother missed several  
14 appointments to sign the consent. When our attorney  
15 mentioned this concern to the birth mother, she  
16 specifically telephoned us to ease our minds.

17           She explained that it was a busy period in her  
18 life, but was nonetheless resolved to completing the  
19 adoption. Her commitment seemed genuine when finally she  
20 signed the consent 29 days after placing Allison in our  
21 home. Once again, we were on an emotional high.

22           Since we could not terminate the birth  
23 parents' parental rights without the birth father's  
24 consent, we settled back and resumed our life with Allison  
25 while our attorney attempted to locate the birth father.

1 Once signed, we would have to wait 30 days to request a  
2 court date to terminate parental rights.

3 Nearly two months after the birth mother  
4 signed the consent, we received a call from our attorney.  
5 After steadfastly reassuring us she would not do so, the  
6 birth mother changed her mind. What had seemed to be the  
7 perfect arrangement rapidly degenerated into a nightmare.

8 In retrospect, I cannot even recall  
9 considering the option of returning Allison. This was our  
10 daughter, and we would fight for her at all costs. Since  
11 the adoption was to have occurred in York County, we  
12 immediately hired local counsel in Franklin County.

13 As opposed to terminating rights  
14 involuntarily, our new attorney recommended we pursue court  
15 ordered temporary custody since it had not been more than  
16 six months without birth parent contact. We agreed, and a  
17 court date was set exactly one week later.

18 To say that the next several days were an  
19 emotional burden would be a serious understatement.  
20 Because we did not have court ordered custody, either  
21 parent -- either birth parent was within their legal rights  
22 to simply come to our home and take Allison from our arms  
23 despite our being the only parents she knew. That fear  
24 consumed our every conscious minute.

25 Just as a fugitive might constantly glance

1 over both shoulders, so did we when leaving our home.  
2 After filing the temporary custody paperwork with the  
3 court, we expected to hear from the birth mother. And once  
4 again, our hopes were raised when that did not immediately  
5 occur.

6           However, literally five minutes before close  
7 of business on the eve of the temporary custody hearing, an  
8 attorney representing the birth mother phoned to indicate  
9 that neither party would be attending the hearing but would  
10 nonetheless fight the permanent custody petition.

11           Although pleased our motion went uncontested,  
12 we could not think of a single legitimate excuse for the  
13 birth mother's behavior. Consequently, the judge awarded  
14 us temporary custody as expected. As part of the  
15 arrangement, we permitted the birth mother weekly  
16 supervised visitation through the Salvation Army.

17           Although these visits were available  
18 immediately, it took more than a month for her to make  
19 arrangements. Since that time, however, the program has  
20 been cancelled due to the birth mother's lack of interest  
21 and sporadic attendance. Sadly, this does not bolster our  
22 case.

23           History reveals that adoptive parents have  
24 little chance at involuntarily terminating birth parent  
25 rights until a full six months of no contact. Either birth

1 parent could disappear for five and a half months, then  
2 suddenly reappear and resume their case right where it left  
3 off.

4           Let us just say this is not a case of two  
5 capable loving families quarreling over an infant.  
6 Although a difficult decision, we would certainly return  
7 Allison to her natural parents if we felt it best for her  
8 future. But sadly, that is not the case.

9           After the birth mother revoked her consent, we  
10 were shocked to learn that her parental rights were  
11 terminated to her first two children due to physical abuse  
12 and neglect. Furthermore, she periodically abandons her  
13 remaining children with whomever simply because she has no  
14 food or shelter.

15           She has consistently exhibited behavior that  
16 restricts her from maintaining a job and ultimately  
17 providing for her children. You may be asking yourself  
18 about the birth father, and we doubt Allison will ever know  
19 him. Several possible fathers were named but none proven  
20 conclusively. An unknown birth father is, at best, a  
21 precarious circumstance for us. The natural father could  
22 suddenly emerge and claim ignorance in the whole matter,  
23 thus allowing him a real chance at keeping Allison.

24           Pennsylvania is long overdue in their efforts  
25 to reform adoption law. And we would personally favor

1 comprehensive changes to the entire outdated statute.  
2 However, for the short term, several key changes would  
3 afford impartiality to all parties in the adoption triad  
4 and minimize the risk of a disruption.

5           First, consents to adoption should be  
6 irrevocable once signed by the birth parents. We are not  
7 saying that consent must be signed after 72 hours; but once  
8 signed, it would be irrevocable and certainly not revocable  
9 past 10 days. There must be a swift and decisive period  
10 which protects the children from having their balance and  
11 stability disrupted after months or even years of bonding  
12 in the homes of their adoptive parents.

13           Second, and because this is probably the most  
14 important decision ever made by a person, adoption-related  
15 counseling must be offered to potential birth parents prior  
16 to placement. As evidenced by the reasons our birth mother  
17 gave for her sudden change of heart, we believe  
18 adoption-related counseling might have prevented this  
19 tragedy.

20           Lastly, we believe putative fathers are  
21 obliged to take responsibility for their actions. Any man  
22 who sleeps with a woman surely understands the potential  
23 consequences. A putative father who does not provide  
24 substantial care and support of a child resulting from his  
25 actions should lose his right to contest adoption

1 proceedings.

2           There are those who believe that comprehensive  
3 reform is just around the corner. However, we all know  
4 that the checks and balances of our Legislature inherently  
5 preclude the expeditious passing of such broad changes.  
6 That is why I emphasize that you make a serious and  
7 concerted effort to move these bills, so that other  
8 families will not have to experience the emotional torment  
9 my family endures daily, a torment resulting from the  
10 frightening prospect that our daughter will be one year old  
11 in a few short weeks with her future so far from certain.

12           Comprehensive reform to current adoption law  
13 is necessary. However, the fundamental changes I mentioned  
14 above would have an immediate and positive impact. And to  
15 ignore it would effectively abandon Pennsylvania's  
16 perspective adopted children. Thank you.

17           I would just like to say outside of my written  
18 comments that we only need to look at our borders. And  
19 Jane mentioned that at the start here, that this is not a  
20 novelty; that these things do work in other states. And I  
21 think Representative Birmelin had some questions earlier  
22 about the minimum time adoption could happen in the state.

23           It's actually about 43 days. Birth parents  
24 can't sign until three days after the birth. Then you need  
25 a minimum of 30 days to request a court date before the

1 rights can be terminated, and then there's a 10-day  
2 notification to the birth parents.

3           So really, the minimum time would be 43 days.  
4 Our experience is that we found that the average adoption  
5 is about eight months.

6           CHAIRPERSON DALLY: Thank you, Mr. and Mrs.  
7 Kollar. Any questions?

8           (No response.)

9           CHAIRPERSON DALLY: Thank you very much. Next  
10 on our agenda, Richard and Maria Joel. Are they in the  
11 room? No. The next witness is Melanie Miller. Her  
12 testimony will be read into the record by Dave Bloomer.

13           MR. BLOOMER: Thank you, Mr. Chairman. "Hi.  
14 My name is Melanie Miller. My husband Mike and I live in  
15 York Haven, York County. Last November, we heard through  
16 mutual friends of a baby who was to be born in April of  
17 this year. We were very excited because after many years  
18 of infertility trials and tribulations, we were in the  
19 midst of trying to decide whether to adopt or not.

20           My husband has an adopted daughter from a  
21 previous marriage. The adoption was successful; although,  
22 it took a year and a half to finalize. Needless to say, my  
23 husband was very reluctant to go through the adoption  
24 process again after experiencing this very long so-called  
25 at risk period.



1           Even so, we put the risks aside and proceeded  
2 with the adoption process for this yet unborn baby that we  
3 hoped would soon be our child. In February of this year,  
4 our attorney drew up a legal agreement stating our  
5 intentions to adopt a baby.

6           Despite any anxieties we may have felt, we  
7 proceeded to make preparations for the baby just as any  
8 expectant couple would. Our dreams came true on May 2nd  
9 when we received our beautiful 2-day-old baby girl whom we  
10 named Mikayla. The arranged adoption of Mikayla was  
11 closed, preventing us from knowing what transpired.

12           But our dreams quickly vanished when she was  
13 taken from us after only two weeks. What I do know is that  
14 the birth parents were unwed, in college, unemployed, and  
15 the birth mother changed her mind. That was the beginning  
16 of a nightmare that continues to affect not only myself and  
17 my husband but also our families, friends, and especially  
18 my 13-year-old stepdaughter.

19           Losing Mikayla was the most devastating  
20 experience of our lives even after only two weeks. Placing  
21 a baby for adoption has to be one of the most difficult  
22 decisions one would have to make. I have the utmost  
23 respect for birth parents that make that decision. But for  
24 the child's sake, once the decision is made, it should be  
25 clearly defined and final.

1           An adopted child deserves to know who his or  
2 her parents will be without the chance of his or her life  
3 being interrupted weeks, months, or years later. Adoption  
4 is a decision that affects many people and a decision that  
5 should not be taken lightly. Clearly stated consents  
6 signed after 72 hours should be irrevocable or a revocation  
7 period certainly limited to no more than 10 days.

8           Had our birth parents been offered  
9 adoption-related counseling, our adoption may have been  
10 different. An adoption agency could have provided these  
11 services, and we would not have felt so helpless and  
12 vulnerable. Adoption counseling may have helped the birth  
13 mother deal with the loss that she felt, with her  
14 vulnerability, and with the reasons she chose to place her  
15 baby for adoption. That could have made the difference in  
16 our situation.

17           This experience has had a huge impact on us.  
18 No words can describe the feeling I had when I first held  
19 Mikayla in my arms. We were so looking forward to  
20 nurturing her, caring for her, providing for her, raising  
21 her, teaching her, and above all, loving her.

22           Mikayla was such a precious gift to us, so  
23 pure and innocent. Even though she was with us for only a  
24 short time, she took a big chunk of my heart with her when  
25 she had to go. It was a heart wrenching feeling, in some

1 ways like a death.

2 We were forced to go through the grieving  
3 process that hurts to this day and probably will for a  
4 long, long time. In the meantime, with a whole nursery  
5 full of baby things, we are very hesitant about pursuing  
6 another adoption. We don't know if we will choose to risk  
7 another disruption with the present status of the  
8 Pennsylvania Adoption Law.

9 We ask that you consider the proposed adoption  
10 reform legislation so that other families and children may  
11 benefit from the many positive aspects of adoption."

12 CHAIRPERSON DALLY: Thank you, David. Mrs.  
13 Miller, do you have any other statements you wish to make?

14 MRS. MILLER: No.

15 CHAIRPERSON DALLY: Any questions for --

16 MRS. MILLER: That kind of says it all. Thank  
17 you, David, for reading that.

18 CHAIRPERSON DALLY: Questions for Mrs. Miller?

19 (No response.)

20 CHAIRPERSON DALLY: Thank you very much.

21 MRS. MILLER: Thank you.

22 CHAIRPERSON DALLY: Rod and Ginny Smith, are  
23 they present? Okay. How about Terri Weber? Come forward,  
24 please.

25 MRS. WEBER: Good afternoon. Thank you for

1 asking me to be here today to be a part of a very special  
2 process in reforming adoption law here in the State of  
3 Pennsylvania. As I mentioned before, my name is Terri  
4 Weber. I'm from Dauphin County. My husband Lee and I are  
5 the proud parents of two beautiful boys. One son came to  
6 us through adoption and the other through birth.

7           Consequently, this subject of adoption is a  
8 subject very close to my heart. And I did not want to miss  
9 the opportunity to express my views here today. My husband  
10 and I began our adoption journey over five years ago. Our  
11 search had a very happy ending when our son Todd was placed  
12 in our care.

13           As a matter of fact, it was three years ago  
14 this week. His very presence in our lives is a tribute to  
15 the love and maturity of his birth parents. They placed  
16 their complete trust in us when they chose us to be his  
17 adoptive parents. We count our blessings every day and  
18 thank God for that fateful day in December of 1996 that  
19 Adoptions From the Heart called to tell us we were finally  
20 going to be parents.

21           You cannot begin to imagine the joy we felt to  
22 know that our arms and hearts would soon be full. In many  
23 ways, it was like winning the lottery. That may sound  
24 strange. But you see, we were one of the rarest and  
25 luckiest of adoptive couples.

1           Our baby was to be placed for adoption in New  
2 Jersey. In spite of the thought of spending a week or more  
3 in New Jersey waiting for Interstate Compact to complete  
4 arrangements before we could go home, we were more than  
5 willing to go. We knew that beyond any doubt that once we  
6 got in our car to return to Pennsylvania, we would be  
7 parents of this child forever.

8           Most people like yourselves probably wonder  
9 why we were so happy to go to New Jersey when we could  
10 adopt right here in Pennsylvania. Peace of mind, a more  
11 streamlined legal process, and less time spent in court are  
12 just a few reasons. Adoption in New Jersey is very  
13 different from Pennsylvania in several key areas:

14           Surrender of parental rights and consent to  
15 adopt can be signed after 72 hours following the child's  
16 birth and are irrevocable; no court hearing is held to  
17 terminate parental rights; there is no requirement to give  
18 birth parents 10 days notice of a hearing; only  
19 organizations approved by the Department of Human Services  
20 can assist in the placement of a child.

21           In New Jersey, birth parents may sign the  
22 papers to surrender parental rights and consent to adopt  
23 after 72 hours have elapsed from the time of birth.  
24 Although that same time period is also available in  
25 Pennsylvania, the legal process behind them is very

1 different.

2           Once those papers are signed in New Jersey,  
3 the birth parents cannot come back later to revoke them and  
4 reclaim the child. The adoption agency assumes custody of  
5 the child and grants the adoptive parents temporary custody  
6 until the finalization hearing is held after six months  
7 have elapsed following the child's birth. No hearing is  
8 necessary to terminate parental rights.

9           In Pennsylvania, the birth parents can sign  
10 the papers to terminate parental rights and come back at  
11 any time prior to the termination of parental rights  
12 hearing or the finalization of the adoption, whichever  
13 occurs sooner, and they may reclaim the child.

14           Also, to terminate parental rights, a hearing  
15 may not be held sooner than 30 days following the birth of  
16 the child; and another 10 days notice must be given to the  
17 birth parents before a hearing can be held. This places a  
18 child's life in limbo for a period of at least six weeks  
19 and may take even longer if the courts are backed up with  
20 other cases.

21           A child's earliest weeks are the most critical  
22 time in a child's life. They need to have the same  
23 opportunity as any birth child to bond with those who are  
24 caring for them and will continue to do so for the rest of  
25 their lives. An expedient process needs to be in place to

1 resolve the child's future.

2           Therefore, I ask you to consider an  
3 irrevocable termination of parental rights with no court  
4 hearing. If you feel this is not in the best interest of  
5 the child or the birth parents, then I ask that you place a  
6 maximum of one week on the time period allowed to revoke  
7 consent but still dispose of the requirement of a court  
8 hearing to terminate parental rights.

9           I also have very strong feelings regarding the  
10 role of a facilitator in the adoption process. In New  
11 Jersey, only organizations approved by the Department of  
12 Human Services can assist in placement. In Pennsylvania,  
13 any organization may receive and provide for care of  
14 children supervised by the Department of Public Welfare.

15           These organizations are also allowed to file  
16 with the courts for adoption, provided the proper  
17 information is provided regarding fees paid and extensive  
18 information about the child. Although I applaud the role  
19 of facilitators in bringing a unique approach to adoption,  
20 I feel strongly they should be licensed by the Commonwealth  
21 of Pennsylvania just as any adoption agency would be and,  
22 therefore, bound by the same rules regarding adoption  
23 procedures.

24           In addition, they should not be providing the  
25 preplacement counseling to birth parents unless they are

1 licensed by the Commonwealth and are certified in the area  
2 of adoption counseling. I personally feel the counseling  
3 my son's birth parents received was critical to the  
4 positive outcome of our case.

5           In fact, I feel so strongly about it, I would  
6 like to see an extension to the proposed legislation to  
7 make sure counseling is available to all birth parents  
8 considering adoption placement for their child. This is  
9 the most critical decision these people will ever make in  
10 their lives; and if the irrevocable clause is invoked, it  
11 is also the most binding decision they will ever make.

12           To ensure they are well-informed and  
13 voluntarily making this decision, I feel a minimum number  
14 of counseling sessions should be available to them.  
15 Unfortunately, I am not qualified to set that minimum. But  
16 a common consensus from licensed social workers experienced  
17 in adoption should yield a reasonable guideline.

18           Thank you for taking the time to listen to our  
19 story. I ask that you strongly consider my proposal for  
20 adoption reform in Pennsylvania. It would make our joy  
21 even greater to know that some day people right here in  
22 Pennsylvania can experience the same smooth adoption  
23 process we did in New Jersey.

24           I will be waiting with great interest to hear  
25 the outcome of this hearing. Thank you.



1                   CHAIRPERSON DALLY: Thank you, Mrs. Weber.  
2 Questions? Before we take questions, I'd like to recognize  
3 Representative Joseph Petrarca who just joined us from  
4 Westmoreland County. Welcome. Representative Birmelin.

5                   REPRESENTATIVE BIRMELIN: Thank you, Mrs.  
6 Weber. On the bottom of the first page of your testimony,  
7 you indicated that a finalization hearing was held six  
8 months following the child's birth. During that 6-month  
9 period, what occurred between you and the State of New  
10 Jersey?

11                   Was there any follow-up on their part as to  
12 investigating your home and --

13                   MRS. WEBER: Yes, there are three follow-up  
14 visits after the placement of the child prior to the  
15 hearing.

16                   REPRESENTATIVE BIRMELIN: Is that at your  
17 expense?

18                   MRS. WEBER: Yes.

19                   REPRESENTATIVE BIRMELIN: So you knew that  
20 going into it that even though you were from another state,  
21 that you would have to pay for that state's process to  
22 investigate your home and make sure that after six months  
23 that you were in good housekeeping seal of approval, so to  
24 speak?

25                   MRS. WEBER: And actually, those visits were

1 conducted by an adoption representative here in  
2 Pennsylvania, maybe because of the fact that that  
3 particular agency also had offices in New Jersey and  
4 Pennsylvania. So our home counselor was the one that  
5 actually did the follow-up visits.

6 REPRESENTATIVE BIRMELIN: Were they contracted  
7 employees with --

8 MRS. WEBER: No, not to my knowledge.

9 REPRESENTATIVE BIRMELIN: And on what basis  
10 did New Jersey accept their report of the visits in your  
11 home?

12 MRS. WEBER: In all honesty, I can't answer  
13 that.

14 REPRESENTATIVE BIRMELIN: Thank you very much.

15 CHAIRPERSON DALLY: Representative Manderino.

16 REPRESENTATIVE MANDERINO: Thank you. I'm  
17 sorry. I don't think I missed it in your testimony, but  
18 it's kind of implied. Does New Jersey have mandatory  
19 counseling for birth parents?

20 MRS. WEBER: To my knowledge, they do not have  
21 mandatory counseling.

22 REPRESENTATIVE MANDERINO: You just know that  
23 your -- the birth parents of your child went through it and  
24 it was helpful. But you --

25 MRS. WEBER: Absolutely.

1           REPRESENTATIVE MANDERINO: You don't know  
2 whether it's mandated in their law?

3           MRS. WEBER: The agency that we chose offers  
4 it to all parents, and we were able to benefit from that  
5 experience.

6           REPRESENTATIVE MANDERINO: Thank you.

7           CHAIRPERSON DALLY: Thank you very much for  
8 your testimony. Oh, I'm sorry.

9           MS. MENDLOW: Yeah. I just wanted to thank  
10 you for your very comprehensive testimony and for doing  
11 such a good job comparing the laws in the two states and  
12 your experiences. I did want to point out -- and I don't  
13 know if this does the trick for you.

14           But you mentioned your concern about making  
15 sure that preplacement counseling is available -- should be  
16 available to all birth parents who are basically  
17 contemplating relinquishing their parental rights. And I  
18 did want to indicate that that is on page 7 of House Bill  
19 1838 in lines 19 and 20 to try to open up that counseling  
20 fund to provide more access to people so that even at the  
21 point when they are contemplating the relinquishment of  
22 their parental rights or contemplating the execution of  
23 consent, that they could access that fund if they are  
24 unable to afford adoption counseling on their own.

25           And the other issue, as far as New Jersey law,

1 my understanding is that that counseling is something that  
2 is required. And it comes as part and parcel of their  
3 regulation of the adoption agencies that counseling to both  
4 parents is a very integral part of that as opposed to my  
5 understanding in Pennsylvania right now, adoption  
6 regulation does not require counseling to birth parents as  
7 a universal kind of service that is provided.

8 So we can't say that all licensed adoption  
9 agencies in our state do have that service available to  
10 birth parents. Thank you.

11 CHAIRPERSON DALLY: Thank you, Jane. Any  
12 further questions for Mrs. Weber?

13 (No response.)

14 CHAIRPERSON DALLY: Thank you very much. Next  
15 witness on our agenda is Deborah Strunk from the  
16 Pennsylvania Defense Fund. Is she present? Perhaps she'll  
17 be in later. Brad and Jane Bechtel or Cliff and Jennifer  
18 Holtzman Tracey, are they present?

19 (No response.)

20 CHAIRPERSON DALLY: Marilyn Rich, Adoptions  
21 From the Heart. Oh, Wendy Matthews is here for -- okay.  
22 Thank you. Come forward. Wendy Matthews from Adoptions  
23 From the Heart. Welcome. You can proceed.

24 MS. MATTHEWS: Thank you. Good afternoon.  
25 Thank you for allowing me the opportunity to come before

1 you today to testify on the issue of adoptions in the  
2 Commonwealth. I would particularly like to thank  
3 Representative Kevin Blaum for introducing and sponsoring  
4 House Bills 1533 and 1838.

5 I consented to testify today because I was  
6 faced with an unplanned pregnancy back in 1995 when I was  
7 20 years old. The process that followed really opened my  
8 eyes to how government regulations -- regulates the  
9 adoptions and some of these shortcomings. I'm very  
10 nervous. I'm sorry.

11 CHAIRPERSON DALLY: Just take your time.

12 MS. MATTHEWS: I am not a lawyer, nor am I  
13 well-versed in the provisions of Pennsylvania domestic  
14 relations law. What I can offer the Committee, however, is  
15 a firsthand account on what I went through in 1995. For  
16 openers, one point that I would really like to make clear,  
17 at no time did I ever regret the decision to choose  
18 adoption for my daughter Kylie.

19 If the situation arose again today, I would  
20 make the exact same decision. Through the open adoption  
21 process, I was able to choose a wonderful, loving, caring  
22 couple to raise Kylie. They were with me through the whole  
23 process, which can be quite scary for a 20-year-old. And  
24 the relationship continues today.

25 In fact, I will be seeing Kylie and her family

1 on Friday to celebrate Christmas. I am saddened to say  
2 that a happy ending is not always the case. And I'm even  
3 further saddened to say that I feel our laws have a lot to  
4 do with that fact. In fact, I ended up executing my final  
5 adoption procedure in New Jersey because in my opinion,  
6 that state is much more progressive and fair.

7           Pennsylvania requirements seem to be out of  
8 touch as well as unnecessarily complex. Easily, the most  
9 frustrating part about the adoption process in Pennsylvania  
10 is the completely unnecessary reliance on the court system  
11 for ending the termination of the birth mother's rights.

12           In Pennsylvania, because of the 40 days that  
13 lapse between the signing of the consent to adopt and the  
14 confirmation, the termination of the birth mother's rights  
15 can drag on for such a long time. The fact that the courts  
16 are always backed up only exacerbates the problem.

17           Because of the system, it is actually possible  
18 for a birth mother to reclaim the child from the adoptive  
19 parents even after the baby is in custody of that family.  
20 And I do not see how that can ever be productive or fair.  
21 In New Jersey, the courts are not compelled to be involved  
22 at all.

23           It takes the consent order signed at a notary  
24 in the presence of an agent to set the process in motion.  
25 In short, during a time when a woman is making one of the

1 most important decisions in her life, New Jersey law helps  
2 ease the anxiety, while Pennsylvania law in my opinion only  
3 adds to that anxiety.

4           There's no question in my mind that the most  
5 critical part of my pregnancy was the fact that I had  
6 wonderful counseling from Adoptions From the Heart in  
7 Harrisburg. If there is any part of my testimony today  
8 that I cannot say strongly enough, it is that I think every  
9 single potential mother should have access to counseling  
10 from day one.

11           It should be offered. And the State should  
12 be -- should do everything in its power, including  
13 committing financial resources, to ensuring that all  
14 mothers who want it receive it. Adoptions From the Heart  
15 was there for me through my entire pregnancy, helping me to  
16 stay healthy in body and mind.

17           I would like to make another point, however,  
18 about the place I feel Pennsylvania could do more to  
19 protect mothers who choose adoption. When I first made the  
20 choice of adoption, I was confused and scared. And the  
21 first agency I contacted was not very helpful in that  
22 respect.

23           I understood that adoption is a business to  
24 some folks, but the first agency I called took the business  
25 part of the scenario a bit too far. I was inundated with

1 unsolicited phone calls from the beginning, badgering me to  
2 make a decision and choose their agency.

3           Thankfully, I found Adoptions From the Heart.  
4 But my experience has made me wonder what kind of oversight  
5 the Commonwealth of Pennsylvania has over these agencies.  
6 And is there a place a woman can go within our state  
7 government to file formal complaints against these types of  
8 unscrupulous agencies?

9           I do not know the answer to these questions.  
10 But I would respectfully suggest to this Committee that the  
11 issue be investigated and some guidelines be drafted. As I  
12 mentioned at the outset, I would choose adoption again in a  
13 heartbeat. And I have no regrets about doing so.

14           My feelings on abortion are not pertinent to  
15 this discussion. But I suppose any one of you here today  
16 can make an educated case as to where I stand on that  
17 issue, which brings me to my final point. If the  
18 Commonwealth of Pennsylvania truly has an interest in  
19 helping young mothers to pursue an avenue of adoption, then  
20 logically we should be doing everything possible within the  
21 law to ensure that option is easy and readily available.

22           Simply put, in my opinion, it should never be  
23 easier to get an abortion than it is to choose adoption. I  
24 am deeply troubled to report to this Committee that I am  
25 not entirely sure that it's the case in Pennsylvania today.



1 There are scores of families in Pennsylvania waiting for  
2 healthy babies. Our governor should know that fact as well  
3 as anyone.

4 But if our laws do not change in this state,  
5 we are doing a great disservice to those families. More  
6 and more young, scared mothers-to-be will be choosing  
7 places like New Jersey; and Pennsylvanians will be left out  
8 in the cold. Or even more tragically, they will decide  
9 that adoption in Pennsylvania is just not worth the hassle  
10 and make other choices about their pregnancy.

11 Pennsylvania likes to proclaim itself as a  
12 nationwide leader on a great many issues. I sincerely hope  
13 that a conscious effort is made to make adoptions one of  
14 those issues. The passage of Representative Blaum's bill  
15 would be a very good start.

16 Once again, thank you for allowing me to  
17 testify here today. And I am available for any questions.

18 CHAIRPERSON DALLY: Thank you, Ms. Matthews,  
19 for your most courageous and thoughtful testimony. Do we  
20 have any questions for Ms. Matthews?

21 (No response.)

22 CHAIRPERSON DALLY: Seeing none, I'd like to  
23 thank you very much. Before we go on to the next witness,  
24 I'd like to recognize Representative Chris Wogan from  
25 Philadelphia County who's joined us, Representative Don

1 Walko from Allegheny County, and Representative Peter Daley  
2 from Fayette County.

3 And since we're running a little ahead of  
4 schedule, we're going to take a brief 10-minute recess to  
5 allow time for some other witnesses to get here. And we'll  
6 finish up the hearing at that point.

7 (A brief recess was taken.)

8 CHAIRPERSON DALLY: All right. We're going to  
9 reconvene the hearing. And I'd like to call back Wendy  
10 Matthews, if she could come forward, and Adoptions From the  
11 Heart folks. And Wendy is joined by Marilyn Rich. I  
12 understand you ladies have some additional comments you'd  
13 like to make to the Committee.

14 MS. RICH: Just a couple points of what I see  
15 daily. Currently, I'm working with a birth mother who was  
16 raped in March or April. And in Pennsylvania, the way the  
17 regulations state now, because it was a date rape situation  
18 and she's aware of the identity of this person, she would  
19 need to name him. And he would have rights, and his rights  
20 would be terminated along with hers.

21 Because of that complication, she has decided  
22 to select a family from the state of New Jersey and do New  
23 Jersey surrenders. And in that case, she needs to simply  
24 sign a form that states why it is that she can't name the  
25 birth father. This would also be true in cases of domestic

1 abuse.

2           If a birth mother was involved where she felt  
3 it was not a safe environment in which to raise a child,  
4 even if the birth father was an abuser, he would still be  
5 named and still be notified and still have rights. So  
6 those are two key things I don't think a lot of people are  
7 aware of involving rape and domestic abuse.

8           CHAIRPERSON DALLY: So are you saying that  
9 the -- that the law is different in New Jersey?

10          MS. RICH: That's correct.

11          CHAIRPERSON DALLY: And I think this question  
12 was asked earlier. But as far as choice of laws -- and I  
13 guess the Federal Uniform Law addresses this -- but in a  
14 situation like that where you have the parents or the birth  
15 mother a resident of Pennsylvania, what law controls in  
16 that instance?

17          MS. RICH: If she chose a family from another  
18 state, she could follow the laws in that state.

19          CHAIRPERSON DALLY: So it's where the adoptive  
20 parents reside then?

21          MS. RICH: That's correct. She could  
22 terminate in Pennsylvania. But knowing what she's facing,  
23 she elected to leave Pennsylvania and go to a state that  
24 was more friendly.

25          CHAIRPERSON DALLY: Oh, so she established

1 domicile in New Jersey then?

2 MS. RICH: No. She lives in Pennsylvania, the  
3 birth mother I'm speaking of. But she selected a family  
4 who resides in New Jersey.

5 CHAIRPERSON DALLY: All right. So then where  
6 the adoptive parents reside, that's the controlling law?

7 MS. RICH: Either-or.

8 CHAIRPERSON DALLY: Either-or?

9 MS. RICH: Either-or. The other point I'd  
10 like to make is Maxine Chalker, our executive director,  
11 submitted some factual information as to how she sees, one  
12 in particular, House Bill 1533, that Pennsylvania is truly  
13 an at risk state for the life of the child.

14 Another thing I don't think people are aware,  
15 we've talked a lot about different dates and times and when  
16 would a termination actually be final. It is never final,  
17 and that's something that needs to be stated. There's no  
18 statute of limitations as to when a birth father can  
19 appear, demand a blood test, and overturn a final adoption.

20 For example, I could have a birth mother who  
21 named Joe Smith as -- a birth mother says Joe Smith is the  
22 birth father. We terminate his rights. And seven years  
23 later John Jones appears and says, I'm really the birth  
24 father. And we do a blood test, and he really is the birth  
25 father. He has rights.

1           So whether the adoption was finalized or not,  
2 it wouldn't matter. That needs to clearly be stated that  
3 it is final at a particular point.

4           CHAIRPERSON DALLY: And do you know how that's  
5 handled in other states such as New Jersey? Do you know  
6 how New Jersey --

7           MS. RICH: It's just stated that it's final  
8 and that it can't be -- it's irrevocable. It cannot be  
9 overturned.

10          CHAIRPERSON DALLY: Well, how would they deal  
11 with the issue of a birth father that comes forward after  
12 years from the date of birth, do you know?

13          MS. RICH: Well, in different states, they  
14 have different explanations for that. A lot of it has to  
15 do with the responsibility of the birth father; that when  
16 he was involved in sexual activities with this person, he  
17 knew that a pregnancy could result. And so the onus was on  
18 him.

19          He was responsible to check back. If in fact  
20 nine months later there is a baby that results from that  
21 and he did nothing to, you know, claim his responsibility,  
22 he loses.

23          CHAIRPERSON DALLY: Okay. Very good. Any  
24 questions? Dave, do you have a question?

25          MR. BLOOMER: Thank you, Mr. Chairman. I hope

1 I don't sound insensitive with this question. But I have a  
2 question about what you dealt with with the person from New  
3 Jersey who was accused of date rape. Does New Jersey law  
4 deal with anything with the due process rights of the  
5 defendant?

6 Like how far would it have to go that the  
7 putative father was either, like, convicted of rape or -- I  
8 know that you said that the woman went to New Jersey to  
9 facilitate a quicker adoption because she felt she was  
10 raped, date raped.

11 If the putative father comes and says, I'm  
12 innocent of the charges, I didn't do it, I still believe I  
13 have right -- I mean, I thought I was consensual --

14 MS. RICH: To my knowledge, there isn't  
15 anything in the law that would protect him in that case.  
16 She signs an affidavit that explains, you know, how in fact  
17 the pregnancy occurred and why it is that she can't name  
18 the birth father.

19 MR. BLOOMER: Thank you, Mr. Chairman.

20 CHAIRPERSON DALLY: Any other questions? And  
21 the two letters from Maxine Chalker will be made part of  
22 the record. Thank you very much.

23 MS. RICH: Thank you.

24 CHAIRPERSON DALLY: Our next witness is Robin  
25 Smith, Marion Adoption Services. Good afternoon.

1 MS. SMITH: Good afternoon. My name is Robin  
2 Smith, and I'm from York County. On October 3rd, 1998, my  
3 husband Ron and I received a call from our adoption agency  
4 that a baby boy just born in Pennsylvania was available for  
5 us to adopt. We were asked to meet the birth parents at  
6 their relative's house, which was two hours away.

7 The next day, we drove to the location. And  
8 upon arriving at the door, the birth mother's mother met  
9 us. She told my husband and I that she was very supportive  
10 of the adoption and, in fact, explained that her daughter  
11 could not care for herself let alone anyone else and felt  
12 strongly that the best thing for the baby was to be placed  
13 in a loving and stable environment.

14 The birth parents were in the bedroom and at  
15 first refused to come out and see us. After waiting four  
16 hours in the living room without ever seeing them, they  
17 finally came out of the bedroom. The birth mother  
18 proceeded to tell us that she already had a 6-year-old boy  
19 who her mother was raising because she had no maternal  
20 instincts and she had no interest in being a mother.

21 She liked my husband and I and wanted to place  
22 the baby with us. The birth father also told my husband  
23 and I a little bit about himself, including the fact that  
24 he has a very bad temper and had to go through eight months  
25 of counseling because of it.

1                   He went on to say that he liked us, too, but  
2 he suddenly had changed his mind and did not want to go  
3 through with the adoption after all. My husband and I were  
4 devastated and returned home. The next day, the agency  
5 called to tell us that the birth father again changed his  
6 mind and wanted us to come back to get the baby.

7                   He claimed that he had made up his mind to go  
8 through with the placement because he realized he did not  
9 have the maturity, the financial stability, or the patience  
10 to take care of a baby. He said spending one night with  
11 the baby was a sign that he could not handle being a  
12 parent.

13                   Ron and I believed him and decided to proceed  
14 with the adoption once again. On October 5th, we took our  
15 new baby boy home and fell in love with him instantly. We  
16 named him Austin. I resigned from my place of employment  
17 immediately to stay home with him, and my husband took a  
18 week off from work to help out.

19                   The house was filled with baby gifts and  
20 constant visitors as both of our families also fell in love  
21 with Austin. Within just a few days of taking our son  
22 home, we received word from the adoption agency that the  
23 birth parents seemed to be doing everything possible to  
24 avoid signing the consent to adopt.

25                   They refused to speak to anyone at the agency,



1 and we never knew from day-to-day what was going to happen.  
2 The stress was terrible on my husband and I, but we tried  
3 to keep moving on with our lives. On November 3rd, the  
4 adoption agency left a message on our voice machine asking  
5 us to call them.

6 I did not want to call them because I feared  
7 what I was going to be told. The phone rang again, and it  
8 was my husband who was working in Maryland at the time. I  
9 knew from the sound of his voice that the news was not  
10 good. He said the birth parents decided to take our baby  
11 back.

12 I couldn't believe this was happening. We had  
13 provided a wonderful happy home for Austin, and now he was  
14 going back to birth parents that clearly could not raise  
15 him in a healthy environment. We spoke to our attorney.  
16 And he explained that although we could try to fight to  
17 keep our son, we had absolutely no legal right to him under  
18 Pennsylvania law.

19 We were crushed. Ron and I, and especially  
20 Austin, did not deserve the pain, frustration and confusion  
21 created by the birth parents' decision. Since the birth  
22 parents requested we bring him back that same day, we put  
23 on his best outfit and drove to the adoption agency.

24 As I handed him over to the agency director,  
25 Austin kept staring at me as if he was wondering why I was

1 deserting him. We never saw him again. It was like as if  
2 he had died. After a month of tremendous grieving, we  
3 realized that we could not go through this situation again.

4           We knew that if we adopted in Pennsylvania, we  
5 could experience this nightmare again. After researching  
6 the adoption laws of West Virginia, we discovered that when  
7 both birth -- we discovered that there, when both birth  
8 parents sign the consent to terminate their rights after 72  
9 hours of the birth of their child, the consent is  
10 irrevocable.

11           Upon learning this, we decided that if we were  
12 going to attempt another adoption, our agency would have to  
13 find a child in West Virginia. Through a tremendous  
14 blessing, we were able to adopt a baby boy in December.  
15 Three days after his birth, the birth parents immediately  
16 signed the consent relinquishing all rights to the child.

17           The worst-case scenario would have been that  
18 they changed their minds before the 3-day period and we  
19 would have given the baby back. But we would have only had  
20 the baby for one day, which is 100 percent better than 30  
21 days or several months.

22           Our son is now one year old. He is a blessing  
23 and a complete joy in our lives. I agree with most of the  
24 legislation introduced in House Bill 1838, with the  
25 exception of the 30-day termination period. I feel that

1 this is entirely too long.

2           When birth parents sign the consent to adopt  
3 their child 72 hours after the birth, that consent should  
4 be irrevocable, in my opinion. I know from personal  
5 experience that this works very, very well for all parties  
6 involved. As it stands now in Pennsylvania, a signed  
7 consent does not terminate the birth parents' rights under  
8 the current adoption laws, leaving the birth parents every  
9 opportunity to take their child back.

10           I know from personal experience that this  
11 works very well. It is not fair to the children placed in  
12 these situations to allow them to begin the bonding process  
13 with the only parents they know at that point only to have  
14 their world disrupted by a decision often made with serious  
15 consideration -- without serious consideration of the  
16 child's welfare.

17           There needs to be a definite line of finality  
18 for all parties involved, especially the children. As  
19 adoptive parents, we offer a permanent solution for  
20 children who deserve the balance and stability that their  
21 biological parents know they cannot provide.

22           The day we handed our son back, we were  
23 returning him to an environment that was at best unstable.  
24 That is certainly not in a child's best interest. If a  
25 temporary solution is needed, the child should be placed in

1 foster care rather than using adoptive parents as  
2 baby-sitters, which often happens.

3 I feel this is only fair to all parties. I  
4 know what it's like to lose a child. In summary, I would  
5 ask that any new legislation consider two main areas.  
6 First and most importantly, the law must concern itself  
7 more with the well-being of the child involved as he or she  
8 is the one who truly pays the price in the end.

9 Secondly, adoptive parents must be given more  
10 consideration in the adoption process so that we are not  
11 vulnerable to such tremendous emotional and financial  
12 abuses. My husband and I would like to thank you for this  
13 opportunity to share our story with you and applaud you for  
14 recognizing the need for adoption law reform. Thank you.

15 CHAIRPERSON DALLY: Thank you, Mrs. Smith.  
16 Any questions from the Committee? Jane.

17 MS. MENDLOW: Thank you very much. Ron and  
18 Robin, your testimony was very helpful. I do have a  
19 question maybe you could help with, and that is in respect  
20 to the baby. When Austin -- when Austin was placed, you  
21 might say, in your home, from this testimony, it's my  
22 understanding that you were working with an adoption  
23 agency.

24 And then you say that the adoption agency  
25 worked with birth parents, worked with you. You were able

1 to meet each other, and kind of an agreement was made that  
2 you would take the child home. Do you know if the birth  
3 parents signed anything in terms of any forms because what  
4 I'm confused about is it sounds like they didn't actually  
5 sign any relinquishment papers to the agency or -- and they  
6 didn't sign any consents because the agency was saying they  
7 were having a hard time getting them to sign a consent?

8           So do you know exactly, you know, what  
9 happened here? And I guess what I'm concerned about is  
10 agencies taking a role, kind of placing children but  
11 actually not having received any kind of formal commitment,  
12 which then the court could say, wait, you know, they did  
13 not have any duress, there was no fraud, they understood  
14 what they were doing, they signed these papers, and et  
15 cetera. So I'm trying to better understand what did  
16 they --

17           MRS. SMITH: Yeah, I understand.

18           MS. MENDLOW: What papers were signed?

19           MRS. SMITH: Yeah. The way we understand,  
20 they didn't sign anything. They -- when the agency went up  
21 to where they lived to have them sign the 72-hour consent  
22 form, they took off. And they -- but they didn't say that  
23 they wanted the child back.

24           They just kept avoiding phone calls. And we  
25 were -- we would have given the baby back, you know, if

1 they would have asked. We would have had to. But there  
2 was -- they just -- for a whole month, they ignored calls.  
3 The agency would go, knock on their door, and they wouldn't  
4 sign anything or talk to them.

5 MS. MENDLOW: Because the Kollars' attorney  
6 had advised them -- earlier testimony indicated that their  
7 situation, their attorney advised them to go to court to  
8 get a custody order from the court so that there would  
9 be -- if the best interest of the child as an issue here is  
10 to -- because somebody had custody. You did.

11 It didn't sound like the agency, and it didn't  
12 sound like the birth parents. So I would just be  
13 interested as we work through this issue to find out a  
14 little bit more about how that whole system worked. Thank  
15 you.

16 CHAIRPERSON DALLY: Representative Manderino.

17 REPRESENTATIVE MANDERINO: Thank you. Thank  
18 you for your testimony. This is really a follow-up on the  
19 question Jane just asked you. Were you working -- you  
20 don't have to name them. But were you working with the  
21 same adoption agency with the first adoption as you were  
22 with the second adoption?

23 MRS. SMITH: Yes, uh-huh.

24 REPRESENTATIVE MANDERINO: And what is your  
25 understanding of what their procedures with the birth

1 parents were predecision, so to speak, to call you and say  
2 we have a baby for you?

3 MRS. SMITH: The first, the first baby? They  
4 called -- they had advertised. I believe it was through an  
5 advertisement where they live. They just called the  
6 adoption agency and said they -- she was going to be  
7 delivering a baby in a month or so and she was interested  
8 in putting it up for adoption.

9 And so that's how it started. Then they would  
10 go up and talk to them and verify that they wanted to go  
11 through this. And as far as I was told, they still wanted  
12 to go through with it. And when we were called, we went up  
13 the next day. And when we got up there, all of a sudden,  
14 the birth father decided, Oh, I don't know. I don't think  
15 I want to.

16 MR. SMITH: In our first situation, the child  
17 we lost, actually, that situation was somewhat atypical.  
18 The birth parents -- actually, the day we got the call, the  
19 baby had already been born. And they were in a panic to  
20 actually find a birth parent, largely based on some  
21 qualifications the --

22 REPRESENTATIVE MANDERINO: You mean to find an  
23 adoptive parent?

24 MR. SMITH: Largely because of some  
25 qualifications the birth parents themselves had placed on

1 what they wanted for an adoptive family. So when we got  
2 the call, he had already been born. And I think there were  
3 some things that -- some i's that were left undotted like  
4 you were saying.

5 I don't believe -- at the time we went to pick  
6 him up, I don't believe any form had been signed at that  
7 point. By the second day, when we actually took custody,  
8 maybe. I'm not sure. But yeah, it was -- it was not the  
9 proper way I'm sure.

10 And also, I would also point out, too, because  
11 we talked about counseling a lot, we were so concerned that  
12 they were receiving counseling. And all we got back was  
13 the agency was offering that, but they were -- they were  
14 turning it down. But they weren't required to take it,  
15 which is probably another problem with the whole system.

16 REPRESENTATIVE MANDERINO: I was just going to  
17 ask you that. Particularly when we look to a shortening of  
18 the time frame and a definitive -- what's being proposed as  
19 a definitive irrevocable time period. I'm not saying the  
20 words right. It seems to me that we ought to, at the same  
21 time, be looking on the other end.

22 I mean, today we're hearing from adoptive  
23 families, for the most part, who have experienced it from  
24 one end. We haven't really heard from -- I don't know how  
25 you would even find them -- folks that change their mind;



1 although, we did hear from somebody who didn't change their  
2 mind.

3 But it just seems everyone talks about the  
4 importance of counseling. And I'm -- not so much for you  
5 but maybe to the Committee, I'd be curious at what other  
6 states either mandate or require some sort of counseling  
7 before that form can be signed.

8 MRS. SMITH: I would like to just say, I do  
9 believe that counseling should be done while she's  
10 pregnant. They have nine months to make a decision. I  
11 understand that after a baby is born, a mother can change  
12 her mind. There's that bonding issue that goes on and that  
13 she has the right to keep her baby.

14 But I think she should be counseled during  
15 pregnancy and then after the birth of the child. But to  
16 use adoptive parents as baby-sitters until they decide what  
17 they want to do is just cruel. It's terrible. And it has  
18 to be changed. It just has to be. It's not good for the  
19 child to be shuffled from one home to another.

20 And if they're not sure, you know, I think  
21 part of counseling, they did suggest give it to a family  
22 member or foster parent maybe. But I do think that, you  
23 know, if people are going to continue to adopt in  
24 Pennsylvania -- I've read an article where a lot of  
25 children aren't being adopted in Pennsylvania because of

1 the laws. And that's sad.

2 And I think it could be helped if -- if the  
3 adoptive parents were looked at a little bit more and  
4 considered more.

5 REPRESENTATIVE MANDERINO: Thank you. And  
6 then my other question is, those wonderful photos we saw  
7 are of whom?

8 MRS. SMITH: The first baby --

9 REPRESENTATIVE MANDERINO: Of Austin?

10 MRS. SMITH: -- that we lost, yeah.

11 REPRESENTATIVE MANDERINO: Thank you.

12 MR. SMITH: I'd like to make just one more  
13 point. When we mentioned foster care, one of the things  
14 that we found surprising, to say the least, was that our  
15 attorney explained to us that in the state, if a couple  
16 gives a child into the foster care system, they have to  
17 prove themselves fit parents before giving the child back,  
18 whereas they can give it to an adoptive parent and pull it  
19 back at any time they want without any kind of explanation.

20 CHAIRPERSON DALLY: I would just like to  
21 recognize Jane Mendlow, the Research Analyst with the  
22 Committee, who can comment on what's contained in  
23 Representative Blaum's bill as far as counseling is  
24 concerned.

25 MS. MENDLOW: Well, let's see. First off,

1 what we tried to do was make access to the counseling  
2 better by providing people who are -- parents who are  
3 contemplating the relinquishment of their parent rights or  
4 executing a consent to an adoption to get that  
5 adoption-related counseling through an approved agency  
6 whenever they are contemplating this event and make sure  
7 that that is available. If they can't afford to get that  
8 kind of adoption-related counseling, make that available at  
9 least through the counseling fund that is sitting in every  
10 county.

11 In every county, the Adoption Law has a  
12 requirement of a \$75 fee being submitted to the court  
13 whenever there is report of intention to adopt. Quite  
14 frankly, we have tried to survey the county courts. And it  
15 is -- and the Supreme Court doesn't have access to this  
16 information.

17 But we suspect that there are thousands and  
18 thousands upon hundreds of thousands of dollars sitting in  
19 these accounts that are really not being tapped. So that's  
20 one of the things we're trying to do. And then also to  
21 make the requirement that in every -- in every step of the  
22 length of that hearing dealing with relinquishment to an  
23 adult or relinquishment to an agency or the final court  
24 approval of the consents, that there be a section there  
25 that basically identifies whether or not adoption-related

1 counseling has been offered to the birth parent, and if so,  
2 by whom, for assurance that this was done by an  
3 adoption-approved program.

4 CHAIRPERSON DALLY: Thank you. Any other  
5 questions for Ron or Robin Smith?

6 (No response.)

7 CHAIRPERSON DALLY: Thank you very much. The  
8 next witnesses will be Brad and Jane Bechtel. And your  
9 daughter can certainly come forward.

10 MRS. BECHTEL: I wasn't here earlier. So I'm  
11 not sure how you're doing this. Should I just read my  
12 testimony?

13 CHAIRPERSON DALLY: If you'd like, you can  
14 read your testimony. The Committee members now have a  
15 copy. So you can proceed.

16 MRS. BECHTEL: Okay. I am Jane from  
17 Harrisburg, and my husband is Brad. This is Libby, our  
18 daughter. On July 24th, 1996, when she was just three days  
19 old, we took our adoptive daughter Libby home from the  
20 hospital. We were matched with her birth mother, Martha,  
21 through a private adoption agency that arranges open  
22 adoptions.

23 We met Martha for the first time just a few  
24 hours before picking Libby up at the hospital. A social  
25 worker from the adoption agency had met with Martha many

1 times during the months leading up to the birth and had  
2 discussed the birth father.

3 Martha named a man I'll call Jeff as the birth  
4 father. And the social worker began taking the necessary  
5 steps to locate Jeff in order to get him to relinquish his  
6 parental rights. Unfortunately, after many weeks, she was  
7 not able to make contact with him.

8 So our lawyer placed the necessary  
9 advertisements to let him know that he had a daughter and  
10 if he did not take certain steps, his parental rights would  
11 be terminated involuntarily. After waiting the required  
12 time period for a response and getting none, our lawyer had  
13 Jeff's parental rights terminated involuntarily in February  
14 1997.

15 Martha's parental rights were also officially  
16 terminated at that time; although, she had signed a consent  
17 to adopt just a couple of weeks after Libby's birth. Of  
18 course, at any time up to the actual termination  
19 hearing -- in our case, a period of seven months -- either  
20 Libby or Libby's birth parents could have changed their  
21 minds. And we would have had no choice but to relinquish  
22 our daughter to them.

23 With the termination of the birth parents'  
24 parental rights, the hearing to finalize the adoption was  
25 scheduled for May 6, 1997, when Libby would be nine and a

1 half months old. On May 1st, 1997, we received a letter  
2 from Martha that was to turn our lives upside down for the  
3 next nine months.

4 In her letter, she told us that Libby's real  
5 birth father was not Jeff, but rather another man -- I'll  
6 call him Don -- with whom she had been having a long term,  
7 although on-again-off-again, relationship at the time  
8 she got pregnant. She indicated that she was telling us  
9 this now because Don said they, quote, can't let  
10 her -- Libby -- live without knowing the truth, unquote.

11 Martha assured us that Don didn't want to  
12 disrupt the adoption, nor did she. Although initially very  
13 disturbed by this news, after talking to the adoption  
14 social worker, our attorney and Martha, my husband and I  
15 were fairly confident that Don would voluntarily relinquish  
16 his parental rights so that we could reschedule the  
17 finalization of the adoption.

18 After all, Don was incarcerated at the time  
19 and still is, and obviously wouldn't be able to take care  
20 of Libby. Because we are strong proponents of open  
21 adoption, we wrote a letter to Don telling him about  
22 ourselves and Libby and indicating that we would be happy  
23 to meet him sometime. We also sent along pictures of  
24 Libby.

25 The adoption agency's social worker arranged

1 to send Don the relinquishment papers so that he could sign  
2 them, but he kept putting it off. He would say that he was  
3 going to sign the papers, but then he just wouldn't get  
4 around to doing it.

5 In the meantime, he was transferred to a  
6 different facility, which made contact more difficult.  
7 Finally, Don asked me and my husband to visit him at the  
8 prison so that he could meet us and to see Libby. This  
9 visit took place on September 9th, 1997.

10 Within minutes of his arrival to the tiny  
11 prison conference room where Brad and I, Libby, and two  
12 adoption agency social workers were crammed tight, and with  
13 Libby on his lap, Don very plainly said to us, "Well, I  
14 want you to know that I do want my daughter."

15 The devastation both Brad and I felt was  
16 indescribable. But for some reason neither of us can  
17 explain, we said nothing in response to Don's statement and  
18 offered no physical reaction. We just let him keep  
19 talking. One of the social workers pointed out to Don that  
20 because Libby had been with us basically since birth and we  
21 were the only parents she had ever known, it would be quite  
22 hard on her if she were removed from our custody.

23 His response was, "Well, I think she's young  
24 enough. She'll adapt." Libby was almost 14 months old at  
25 the time. He said that he planned to have his parents,

1 both in their late 50's, quote, watch, unquote, Libby until  
2 he was released from prison.

3           During our brief visit, Don went on to ask  
4 about the birth mother and the arrangements, quote/unquote,  
5 we had with her. We explained that we send her letters and  
6 pictures periodically and visited with her at the adoption  
7 agency's picnic in June and had plans to see her a couple  
8 of times a year.

9           We assured him that we would do the same with  
10 him. After more small talk that was friendly but  
11 unproductive, we prepared to leave. Just before saying  
12 good-bye, Don asked the social worker, "How long will it  
13 take before my parents can pick her up", meaning Libby.

14           The social worker told him that many things  
15 had to be taken care of before we could even think about  
16 doing that. Don kissed Libby, shook our hands. And a  
17 guard returned him to his cell. Later in the prison  
18 parking lot, with me fighting tears and my husband so angry  
19 he could hardly speak, the social worker tried to assure us  
20 that even if Don wanted custody of Libby, there was no way  
21 he could take care of her.

22           The social worker said that she would begin  
23 the process of involuntarily terminating his parental  
24 rights. We returned home deeply depressed but trying to  
25 remain positive. The day after our visit to the prison,



1 Don called the social worker.

2           And after he again inquired about the  
3 arrangements, quote/unquote, we had with the birth mother,  
4 the social worker asked him if he was seeking to make some  
5 kind of financial arrangement in exchange for signing off  
6 on his parental rights. When he indicated he was, she told  
7 him it was illegal and could not be done.

8           His response was a dejected-sounding, "Ooooh."  
9 With the knowledge that Don was apparently only seeking  
10 what money he could get from us and didn't seem genuinely  
11 concerned about his daughter, we went forward with the  
12 petition to involuntarily terminate his parental rights  
13 with a lighter heart but still some reservations about the  
14 outcome of the situation.

15           As it turned out, our caution was warranted.  
16 All we had to do was make it to November 6th, 1997 without  
17 Don's making any objections to our petition. On November  
18 4th, Don's mother contacted the judge in charge of the case  
19 and asked to make an objection on her son's behalf since he  
20 was incarcerated.

21           She was permitted to do so. She also hired an  
22 attorney to represent her son at a full hearing at which  
23 the judge would listen to testimony as to whether Don's  
24 parental rights should be terminated. We too hired an  
25 attorney, at a cost of \$150 an hour, to advise us and

1 represent our interests at the hearing.

2           In consultation with our attorney, Brad and I  
3 decided that we would ask for DNA tests to prove Don's  
4 paternity since the birth mother admitted to having  
5 relations with both Jeff and Don around the time Libby was  
6 conceived. In retrospect, we should have asked for the DNA  
7 tests when we first learned of Don's existence; but there  
8 was a reason we didn't.

9           One of the grounds on which we were trying to  
10 involuntarily terminate Don's parental rights was  
11 abandonment. Despite knowing early on in the birth  
12 mother's pregnancy that he could be the father, Don made no  
13 attempts to make contact with Libby or support her  
14 financially for at least a 4-month period, the legal time  
15 period for abandonment.

16           Had a DNA test proved conclusively that he was  
17 the birth father, we were concerned that his attorney would  
18 successfully argue that Don's 4-month period didn't begin  
19 until the test results were received; and therefore, our  
20 abandonment argument would be negated.

21           Once the situation came down to a court fight  
22 to involuntarily terminate Don's rights, we were faced with  
23 the very real possibility that he wasn't even the birth  
24 father. So we made a strategic decision to ask for DNA  
25 tests, knowing that our abandonment argument later might

1 well prove useless, but wanting to be absolutely sure we  
2 weren't going to lose our daughter to a man who was not her  
3 birth father.

4           The DNA tests were performed on Libby and the  
5 birth mother on January 9th, 1998. And the waiting began  
6 for the test to be done on Don and then for the results.  
7 During those long weeks, we did a lot of praying and  
8 talking about what-if's.

9           Brad and I and the birth mother were almost  
10 certain that the results would only confirm our belief that  
11 Don was in fact the true birth father. From the time of  
12 our first meeting with Don when he first told us he wanted  
13 his daughter, we had been suffering from sleepless nights,  
14 crying jags, and a constant state of anxiety due to the  
15 uncertainty of our future together as a family.

16           In fact, we stopped planning for the long  
17 range future altogether. Not only did we not know if Libby  
18 would be with us forever, but we also didn't know how  
19 financially debilitating a court battle would be. These  
20 feelings intensified during the long wait for the DNA test  
21 results.

22           Brad likened our situation to one in which a  
23 child has a terrible illness and a cure has yet to be  
24 found. Our extended family and friends were likewise  
25 concerned and anxious and were very supportive of us during

1 this hugely trying time.

2           They tried to comfort us by saying that no  
3 judge in his right mind would take Libby from you. Indeed,  
4 there were several factors weighing against Don, including  
5 his prison record and his apparent attempt to extort money  
6 from us. Yet it seemed we were constantly hearing news  
7 stories about children being taken from loving adoptive  
8 parents and returned to birth parents who had committed  
9 similar or even worse acts.

10           We were deeply worried that our situation  
11 would end up as one of those sad and bizarre cases. On  
12 February 12th, 1998, more than nine months after we  
13 originally learned of Don's existence, we received the DNA  
14 test results. Don is not Libby's birth father.

15           Our reactions ranged from disbelief to  
16 elation. After all we had been through, he wasn't even the  
17 birth father. On May 7th, 1998, when our daughter was just  
18 a couple of months shy of her second birthday, her adoption  
19 was finalized once and for all. At last, Libby was legally  
20 our daughter.

21           We were finally able to plan for our future  
22 together as a forever family. Over the past year and a  
23 half, Brad and I have had countless discussions about  
24 whether to adopt a second child. After considering many  
25 factors, including the possibility that a second adoption

1 might be disrupted, we have decided not to adopt anymore  
2 children.

3           Even if we were to take the leap a second  
4 time, we know that we would not adopt a child in  
5 Pennsylvania, given our state's current adoption laws. The  
6 time period in which birth parents can revoke a consent to  
7 adopt is simply too long, and there is no statute of  
8 limitations for putative fathers claiming their parental  
9 rights.

10           As a result, disruptions can occur weeks or  
11 months or even years after the child has been placed with  
12 adoptive parents. By that time, the adoptive parents and  
13 child have already bonded. The disruption causes  
14 immeasurable anguish to the adoptive parents and the child  
15 and can possibly damage the child's ability to later bond  
16 with any care giver.

17           My husband and I simply don't want to risk  
18 adopting in Pennsylvania again.

19           CHAIRPERSON DALLY: Thank you very much for  
20 your testimony. Any questions?

21           MS. MENDLOW: Thank you very much, once again,  
22 for a very thorough explanation of what turned out to be a  
23 wonderful outcome with your beautiful daughter here. But I  
24 have a question again about the agency. In this situation,  
25 the agency was handling things working with you hand in

1 glove.

2           And yet the issue of the DNA test didn't come  
3 up early on as to, you know, this issue of who's the  
4 father. Could you talk about that again or clarify for us?  
5 Do you think that -- that the DNA test should be done  
6 whenever a putative father indicates, makes a claim of --

7           MRS. BECHTEL: Well, our -- it was a strategic  
8 decision not to have the DNA test, as I said, because we  
9 knew as soon as we knew of Don's existence that it was a  
10 possibility that we should have the DNA test done. But at  
11 that time, our attorney told us that if we did, there was a  
12 very real chance that we wouldn't be able to argue  
13 abandonment later.

14           And that was our strongest argument against  
15 his claiming his parental rights.

16           MR. BECHTEL: If I could, too, one of the  
17 things that concerns me is the -- I mean, you say, Couldn't  
18 DNA tests be done any time? I mean, I don't know how many  
19 people realize that putative fathers aren't that  
20 necessarily easy to track down.

21           I mean, for one thing, one of the reasons  
22 these guys don't want to be served is they don't want to  
23 get child support put on them if for some reason this would  
24 all go sour. So, you know, does the guy show up in three  
25 years and say, Hey, I'm the father? Now we do a DNA test.

1 And if we do, what's that mean?

2 Does that mean now that we've decided, Oh,  
3 sorry. Let's undue three years. You're in. They're out.  
4 And that's more -- to me -- the more important problem of  
5 it. I mean, if somebody just said, Yeah, I'm the dad and  
6 we could all count on that forever, that would be great.

7 MS. MENDLOW: I was just going to say that in  
8 a summary of various state laws across the country, there  
9 is a listing I have here that relates specifically to the  
10 issue of limits on attaching a file adoption decree. And  
11 so your testimony is right on that issue.

12 And this is something that we will certainly  
13 take a look at. I know Representative Blaum will be  
14 interested in it.

15 CHAIRPERSON DALLY: Any further questions?  
16 One question a little bit off the subject as far as open  
17 versus closed adoptions. In an open adoption situation,  
18 the adoptive parents are those that lay the groundwork as  
19 far as contact with the birth parents; or how does that  
20 work?

21 MRS. BECHTEL: The way our agency works is  
22 it's as open as the birth parents are comfortable with. So  
23 if the birth parents don't want to have contact, then there  
24 is no contact. But the adoptive parents are required, even  
25 if the birth parents have -- do not wish to have an open

1 relationship, the adoptive parents are still required to  
2 send letters and pictures -- or I should say a letter and  
3 pictures on the child's birthday every year to the adoption  
4 agency on the chance that the birth parent would want to  
5 see those.

6 CHAIRPERSON DALLY: And does it matter whether  
7 the parental rights have been voluntarily or involuntarily  
8 terminated?

9 MRS. BECHTEL: As it turned out in our  
10 case -- well, obviously, if somebody's parental rights have  
11 been involuntarily terminated, they don't want to have much  
12 contact with you. But it turned out that Jeff was Libby's  
13 birth father. And when she was just shy of being two, we  
14 did meet him and his family. And we have a good  
15 relationship with them.

16 So it just all depends on the people involved  
17 and whether they're comfortable or not.

18 CHAIRPERSON DALLY: So there are adoption  
19 agencies that -- that are strictly open adoptions?

20 MRS. BECHTEL: As I understand it, for  
21 domestic adoptions for the agency that we work with, if you  
22 are doing a domestic adoption, you need to be comfortable  
23 with openness. Now, again, as I said, the openness is  
24 based on the birth parents' comfort level.

25 But we have seen Libby's birth mother about a



1 half a dozen times over the last three years. She has our  
2 address. We have hers, phone numbers, everything. And the  
3 same with her birth father and his parents so --

4 CHAIRPERSON DALLY: Very good. Thank you.  
5 Any other questions, comments? Representative Wogan,  
6 please.

7 REPRESENTATIVE WOGAN: Thank you, Mr.  
8 Chairman. Jane, I -- I'm not sure how, looking at the  
9 conclusion that you reached in your testimony, how changing  
10 the time period for -- within which a birth parent can take  
11 back their giving up their child, with shortening that, I  
12 don't really see how that helps adoptive parents who would  
13 be in your situation.

14 The problem as I saw in your situation is  
15 Martha just either didn't know who the real father was of  
16 the baby or, for some reason, wasn't being honest.  
17 Certainly, the men here do not look too well, I guess, in  
18 the eyes of society, neither man.

19 But I -- I wonder if perhaps staff could  
20 answer a question because I handled adoptions many, many  
21 years ago. But the -- the revocation notice that goes in  
22 the newspapers that, say, terminated Jeff -- that was the  
23 first --

24 MRS. BECHTEL: Right.

25 REPRESENTATIVE WOGAN: -- first male

1 involved -- terminated his rights, do those -- if you can  
2 recall. Maybe staff could help with this. Does the  
3 termination notice when a father is not being responsive  
4 focus on just his name as opposed to, say, just a baby was  
5 born on such and such a date?

6 MRS. BECHTEL: The baby -- it didn't give any  
7 name for Libby. It just gave his name. We saw a copy of  
8 the notice that was put out. It was his name and on such  
9 and such a date, a baby girl was born and if you do not  
10 respond within X number of weeks, then your rights will be  
11 involuntarily terminated. It was all indicated in that  
12 advertisement and told where he should call.

13 REPRESENTATIVE WOGAN: And that means, of  
14 course, that that's the essence of your problem, that  
15 that -- that notice affected Jeff and not Don?

16 MRS. BECHTEL: Yeah. Although, Don knew it  
17 was possible he was the father. And that's the point I  
18 make later, is that putative fathers need to have some  
19 responsibility for their actions. If they've had relations  
20 with a woman, they need to follow up and find out if a  
21 pregnancy occurred; and if it did, whether they're the  
22 father.

23 And if there's a chance that they are the  
24 father, then they need to claim their rights right away and  
25 not wait until the child is 9 months old or 14 months old

1 or 3 years old.

2 REPRESENTATIVE WOGAN: I agree with you 100  
3 percent. I'm just wondering whether just shortening the  
4 time period in which someone can take back their giving up  
5 their child, whether that solves the problem?

6 MRS. BECHTEL: Well, we had a couple of  
7 problems. I mean, there was no real problem with the birth  
8 mother. But the fact that it took seven months to  
9 officially terminate the parental rights of both Jeff and  
10 Martha, during that 7-month period, either one of them  
11 could have said I want her. And we would have had to give  
12 her back.

13 When Libby was placed with us, I didn't bond  
14 with her right away. And I started to worry about it.  
15 After we had had her for about two weeks, I thought  
16 something should have happened by now. And I realized it  
17 was my head telling my heart, Don't fall in love with her  
18 yet because Martha can take her back.

19 And it took -- once I realized that was what  
20 was happening, I did start to bond with her. But by then,  
21 it's too late. You know, if -- if Martha had taken her  
22 back when she was a month old, I would have been  
23 devastated.

24 REPRESENTATIVE WOGAN: So in other words, even  
25 if Don wouldn't have come into the picture, you still would

1 have been unhappy?

2 MRS. BECHTEL: Yes. Seven months is way too  
3 long. And as it was, we weren't scheduled to finalize the  
4 adoption then until Libby was almost 10 months old, 9 and a  
5 half months old.

6 REPRESENTATIVE WOGAN: When you go through  
7 this, what do you think about the 30-day period of time  
8 that's set forth in House Bill 1533?

9 MRS. BECHTEL: Is the 30-day time period  
10 not -- I haven't read it lately. Can you clarify it for me  
11 what it is? Is that --

12 REPRESENTATIVE WOGAN: Thirty days within  
13 signing the consent.

14 MRS. BECHTEL: Then it's over regardless of  
15 whether it's gone to court?

16 REPRESENTATIVE WOGAN: Well, purportedly  
17 that's what the bill does.

18 MRS. BECHTEL: Okay. Thirty days wouldn't be  
19 bad because you'd know the 30 days would be up. There's 30  
20 days; and once I hit that 30th day, it's over. But the way  
21 it is now, when Martha signed her consent to adopt, it was  
22 until the court date.

23 And it takes a while for the court to schedule  
24 these things. And depending on the calendar, how heavy the  
25 calendar is in that court, you may have to wait much longer

1 than 30 days. So as long as you know --

2 REPRESENTATIVE WOGAN: Thank you.

3 MRS. BECHTEL: I would think 30 days would  
4 be -- 30 days is a lot better than what it is now.

5 MR. BECHTEL: Yeah. If I could, I know I'm  
6 unpopular in some circles. I'm not as concerned  
7 necessarily whether at 24 hours or a week or two weeks as I  
8 am the fact that it's -- it can be never ending. I mean,  
9 we didn't have anything until literally -- I don't even  
10 know the date. You'd have to look it up.

11 But it was like almost two years. And at that  
12 point -- and even though the mother had signed, if the  
13 father had won, the mother's back in the picture. And  
14 there's just been a court case reported last week in  
15 Pennsylvania Law Weekly, the thing about one of our  
16 illustrious courts decided that third party adoptive  
17 parents have no standing to even challenge this when one of  
18 these parents want the baby back.

19 So we're way out here in left field for months  
20 upon months at a time, which that's the part that really  
21 got me.

22 REPRESENTATIVE WOGAN: Thank you to both of  
23 you.

24 CHAIRPERSON DALLY: Just one last question.

25 MS. MENDLOW: Very briefly. You referred to

1 the agency as a Pennsylvania adoption agency?

2 MRS. BECHTEL: Yeah. It's -- it's licensed in  
3 several states, but Pennsylvania's one.

4 MS. MENDLOW: Would you be willing to name the  
5 agency? It's not the agency that did anything wrong. But  
6 would you be interested in advising us as to the name?

7 MRS. BECHTEL: It's Adoptions From the Heart.

8 MS. MENDLOW: Okay. Thanks.

9 CHAIRPERSON DALLY: Thank you, Mr. and Mrs.  
10 Bechtel. Now, just to run through our list of witnesses  
11 that were on our agenda today that are being called are  
12 Richard and Maria Joel, are they here by chance? Rod and  
13 Ginny Smith, Debra Strunk, Jennifer Holtzman and Cliff  
14 Tracey, and John and Brenda Werner?

15 Is there anyone else that wishes to offer  
16 testimony before the Committee, even if you've testified  
17 already and you wish to add anything else to your  
18 testimony?

19 (No response.)

20 CHAIRPERSON DALLY: Okay. Seeing no one, I  
21 would like to thank all of our witnesses today. I think  
22 based upon the emotion involved in this issue, it took a  
23 great deal of courage for all of you to be here today. We  
24 really appreciate you not only taking the time, but  
25 providing us the most insightful testimony.

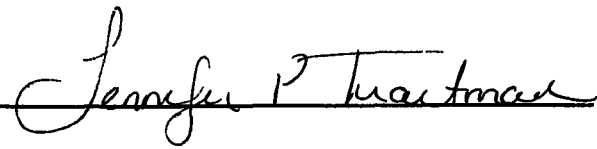
1                   And I think it will do our Task Force a great  
2 deal of good to review the record in this matter. And  
3 also, as we go forward, I would expect that we're going to  
4 be seeing something from the Adoption Advisory Committee in  
5 the spring of 2000, as Nancy Marcus Newman indicated in her  
6 testimony.

7                   So I'm sure there's going to be additional  
8 work that this Task Force will do to address the concerns  
9 that were presented to the Task Force this afternoon. I'd  
10 like to thank those Committee members that were present.  
11 Thanks.

12                   (Whereupon, at 3:19 p.m., the hearing  
13                   adjourned.)  
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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me during the hearing of the within cause and that this is a true and correct transcript of the same.



JENNIFER P. TROUTMAN

Registered Professional Reporter

My Commission Expires:  
April 30, 2001

JENNIFER P. TROUTMAN, RPR  
P.O. Box 1383  
2nd & W. Norwegian Streets  
Pottsville, Pennsylvania 17901



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47 9			speak [5]		4 25	states' [1]	7 22	suggest [2]	48 10	terminated [14]	22 15
sitting [2]		67 9	41 24 56:25		63 1	stating [1]	33 4	65 21		24 2 29.11	32 1
67 18			72 19			status [1]	35 7	suggested [2]	12 7	50 20 69 11	69 13
situation [17]		18 22	speaking [1]		52 3	statute [3]	30 1	16 3		69 16 73 24	80 8
34 16 45 19		50 17	special [3]		1.9	52:18 77 7		summary [2]	60 4	80 11 81 22	82 1
51 14 58 3		62 7	10 5 36:1			stay [2] 47 16	56 17	79 8		82 11	
63 16 63 17		73.14	specific [2]		10 3	steadfastly [1]	27 5	supervised [2]	28 16	terminating [4]	8 18
74 21 75 22		76 10	11 16			steady [1]	23 5	39 14		27 13 28 24	72 23
77 24 79 17		81.13	specifically [2]		26 16	step [1] 67 21		support [7]	8 20	termination [13]	6 23
81 14			79 9			stepdaughter [1]		22 6 23 5	25 15	15 10 15 24	22 19
situations [1]		59 12	spending [2]		37 2	steps [3] 8 19	69 5	30 24 74 13	78 23	38 11 39 3	46 11
six [8] 22 23		22 23	56 10			Stewart [1]	10 19	supportive [3]	25:25	46 14 52.16	58 25
27 16 28 25		38 6	spent [1] 37 11			still [14] 12 14	17 15	55 9 75 25		69 18 69 23	82 3
38 18 41 7		41.22	spite [1] 37 2			19 15 21.3	39 7	suppose [1]	48 15	Terminations [1]	10 6
sleepless [1]		75 13	spoke [1]		57 15	51.4 51:5	51:5	Supreme [1]	67.15	10 6	
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slowly [2]		22 21	4 12			73 13 80 1	83 25	surprised [1]	21 24	Terri [3] 3:12	35:23
24 3			sponsoring [1]		45 3	stopped [2]	9 11	surprising [1]	66 14	36 3	
small [1] 72 10			sporadic [1]		28 21	75 16		surrender [2]	37 14	terrible [3]	57 2
Smith [20]		3 16	spouse [1]		25 25					65 17 75 23	
35 22 52 21		52 21								test [12] 52 19	52 24

Table with 8 columns of words and their associated page numbers. Words include: testified, testimony, tests, thank, together, too, took, torment, touch, Tracy, track, tragedy, tragically, transcript, transferred, transpired, treat, Treatment, tremendous, triad, trials, tribulations, tribute, trick, tried, tries, troubled, TROUTMAN, true, truly, trust, truth, try, trying, turn, turned, turning, two, type, types, ultimately, unable, unborn, uncertainty, uncontested, under, undermines, understand, understands, understatement, understood, undesired, undotted, undue, unemployed, unexpected, Unfortunately, unique, universal, unknown, unless, Unlike, unnecessarily, unnecessary, unplanned, unpopular, unproductive, unquote, unreasonable, unscrupulous, unsettled, unsolicited, unstable, unwed, up, use, using, utmost, valid, vanished, various, vast, verify, versus, viewed, viewpoint, views, Virginia, visit, visitation, visited, visitors, visits, voice, voiced, voluntarily, vulnerability, vulnerable, W, wait, waiting, warranted, watch, wave, Wayne, ways, web, Weber, week, weekly, weeks, weighing, welcome, well-being, well-informed, well-versed, Wendy, Werner, West, Westmoreland, what-if's, whereas, whichever, whole, wife, willing, Wing, winning, wish.

<b>wishes</b> [3]	17 23	30 11	32 17	34 3			
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<b>within</b> [10]	21 14	52 22	53 12	77 11			
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<b>without</b> [8]	26 23	24 10	33.2	75 23			
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59 15	66 19	<b>yield</b> [1]	40 17				
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<b>witness</b> [4]	32 11	32 15	32 15	55 2			
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<b>woman</b> [6]	25 19						
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<b>wonder</b> [3]	37 8						
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<b>wonderful</b> [5]	45 21						
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<b>wondering</b> [3]	24 7						
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<b>word</b> [2]	21 8						
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<b>worked</b> [3]	60 25						
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<b>worker</b> [10]	68 25						
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<b>workers</b> [4]	22.8						
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<b>works</b> [3]	59 5						
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<b>world</b> [1]	59 14						
<b>worried</b> [1]	76 10						
<b>worry</b> [1]	83 14						
<b>worse</b> [1]	76 9						
<b>worst-case</b> [1]	58 17						
<b>worth</b> [1]	49 9						
<b>wounded</b> [1]	22 9						
<b>wrenching</b> [1]	34.25						
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<b>wrong</b> [3]	21 24						
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<b>years</b> [16]	25 15						

## HOUSE BILL NO. 1838

PAGE NO.	SECTION NO.	COMMENTS
2	2102	<p>Definition of "putative father"</p> <ol style="list-style-type: none"> <li>1 "Alleged" by whom? The father? Mother? Her girlfriend? Relatives? DPW?</li> <li>2. Cannot have a "putative father" in the case of a married woman?               <ol style="list-style-type: none"> <li>a Suppose she has been separated 6 years and living with her boyfriend for 3 years? And that she claims the boyfriend is the father? Is he "putative"?</li> <li>b If the boyfriend is not a "putative father", does that mean his rights do not need to be terminated? He does not get notice of any adoption process?</li> </ol> </li> <li>3 What are the consequences of this definition? Where does the term appear in the Act?               <ol style="list-style-type: none"> <li>a Will practitioners know who needs to get notice? How?</li> </ol> </li> </ol>
2	2501 2502 2504	<p>Voluntary Relinquishment to Agency</p> <ol style="list-style-type: none"> <li>1 What is the Court to do with the information identifying the counseling agency at 2501(a)(3)?</li> </ol>

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		<p>2 Why must the counseling be reported only if it is provided by an agency? What about a psychologist? Pastor? Physician? Guidance counselor? School nurse? Social worker who does counseling? Planned Parenthood?</p> <p>3 Is the Court to approve or disapprove the agency? What happens if the Court disapproves?</p> <p>4 If the Court is not to approve the agency, then what is the point in providing the information?</p>
3	2502(a)	<p>Voluntary Relinquishment—Private Adoption</p> <p>1. Who is to offer counseling to the birth parent? When? How?</p> <p>2. How is the adoptive parent to know about availability of “adoption-related counseling services”?</p> <p>3 If the Petition cannot state that “adoption-related counseling services have been offered to the [birth] parent”, does that mean the Petition for Voluntary Relinquishment cannot be granted? What about a step-parent adoption?</p>
4	2503(d)	<p>Involuntary Termination of Putative Father</p> <p>1 This amendment would authorize termination of the parental rights of the putative father “if he fails to do <u>any</u> of the following”, filing objection, appearing at the hearing, providing money, making ongoing provisions</p>



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a So if this man is a terrific, full-time parent, but does not file a piece of paper with the Court, he can have his rights terminated?

b. Suppose the putative father is a great dad, full-time primary custodial parent, but does not show up at the hearing?

2 What is "ongoing provision for the child's care"?

a "Ongoing" means going forward or continuing into the future, so does this mean the putative father can have his rights terminated unless he has a substantial bank account and civil service status?

5

2504(a)

Confirmation of Consent

1 At Line 6 on Page 5, who is "the parent"? The immediately-preceding sentence says "the adoptive parent or parents may file the Petition"; then we are talking about "the parent" doing various things

a Section 2102 of the Act says, " 'Parent ' Includes adoptive parent "

b. If "the parent" at Line 6 is the adoptive parent, then Lines 8 and 9 seem to make no sense, inasmuch as House Bill 1838 defines "adoption-related counseling services" to be those which are provided to the birth parent

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c. If “the parent” refers to a birth parent, then Line 6 seems to make no sense. We are speaking of a Petition to Confirm Consent. Very often, the birth parent signed the Consent 72 hours after the delivery (or even before the delivery in the case of a putative father), and they are out of the picture, uncommunicative. If we cannot get the consenting putative father to sign this acknowledgment, that would seem to force us into the involuntary termination, which has its own problems as recited above regarding 2503(d)

2 This section seems to say that if counseling by an agency has not been offered, the adoption cannot go forward. In a private adoption setting, or a step-parent adoption, who is to offer the counseling? How?

a What good does it do to offer counseling once the child has already been placed? Or perhaps the child has been living with the step-parent for several years?

5-6

2504(c)

Confirmation of Consent—Putative Father

1 This appears to have the same problems mentioned previously regarding 2503(d)

2 Here, and also at 2503(d), the draft omits the prior references to filing acknowledgment or claims of paternity pursuant to Section 5103, which drops one of the safeguards that had been available to birth fathers. Under the prior language, the appearance and

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filing objections were disjunctive, with a conjunctive relationship with filing the acknowledgment or claim of paternity. This meant the putative father could avoid having rights terminated by doing any one of the 3 things listed. The proposed language would allow his rights to be terminated if he fails to do any one of the 4 things listed. Was that intentional? If so, it seems harsh.

6

2505

## Counseling

1. The most fundamental problem with the current law is timing. Counseling is not available until a Report of Intent is filed. Counseling is not needed then. It is needed before the child is placed for adoption
  - a 2505(c) (Page 7—Lines 7-10) mandates that the Court provide a list of counselors to a parent who has not received counseling from an agency. First, this is inadequate as the list would be provided probably a month or two subsequent to the placement of the child for adoption—as it occurs after the Petition to Terminate rights has been filed. Second, it requires that list to be provided even though the parent has received adequate counseling, but not from an agency.

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b 2505(d) says that in order to request counseling, one must be "a parent". In other words, the child must have been born already and, most likely have been placed for adoption, before the request for counseling can be made  
Commonly, children are placed with adoptive parents 1 to 3 days after delivery. Counseling is needed when the mother is 2, 3 or 4 months pregnant, continuing until 1 or 2 months after the placement has occurred

2 If this were rearranged, so that counseling would be provided in a timely way, would there be a continuing problem of wasted resources, in that agencies which now provide counseling and absorb the cost, would draw down payment for that counseling from the Counseling Fund?

a How far would the \$75 per adoption fee go?

3 At Page 8, Line 20, "Department of Public Welfare" has been dropped and replaced with "Department"—here and a few other places in the Bill. "Department" is not defined in the Act or in the Bill

8-9

2505(e)(3)

Reporting Statistics

1. What is the point of reporting? Why create paperwork to be sent to an agency that does not want it, and will do nothing with it?

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		<ol style="list-style-type: none"> <li>2. Would it serve the purpose and make better sense to have a requirement that the referenced information be collected and available, on request from the Department of Public Welfare?</li> <li>3. At Page 9, Line 4, what is the "per parent cost of adoption-related counseling"? How is it to be calculated? If it is to be the amount spent from the Counseling Fund for counseling services, divided by the number of persons receiving the services, why would it be an "estimated" cost?</li> <li>4. At the same location, "per-parent" is not a word presently, and does not seem to be a word in need of creation when "per parent" without the hyphen would work perfectly well</li> </ol>
9	2533(d)(3 1)	<p>Counseling Reimbursement</p> <ol style="list-style-type: none"> <li>1. Why should reimbursement of counseling expenses be prohibited where the counseling is provided by a psychologist? Or other licensed counselor?</li> <li>2. In referencing expenses of "the natural parent", do you intend to indicate the adoptive parents are "unnatural" parents?</li> </ol>
11	2711(d)(2)	<p>Form of Consent</p> <ol style="list-style-type: none"> <li>1. See comments above with regard to 2501, questioning why it is necessary to identify the agency</li> </ol>

## **HOUSE BILL NO. 1533**

**Making the Consent of the birth parent irrevocable after 30 days without other changes in the Act could be confusing**

- 1      Why wait 40 days to file the Petition to Confirm Consent, if the Consent became irrevocable 10 days earlier? (2504(a))**
- 2      Why wait an additional 10 days after the Petition has been filed in order to have a hearing? (2504(b))**