

12/13/99

My name is Craig Kollar and along with my wife Melanie we would like to thank committee members for allowing us to testify today in support of adoption reform.

After several years of infertility, we decided to devote our love and priorities to a less fortunate child by way of adoption. Through our family physician, we met a 25 year old, unwed woman approximately three months into her fifth pregnancy and forged a relationship that allowed us the future privilege of raising her child. The birth mother explained that the biological father would not acknowledge his role in the pregnancy and was disinterested in maintaining a relationship with her. With little means and no supportive spouse, she rationalized that it would be in the baby's best interest to be adopted by a more capable couple.

On January 1 of this year, our birth mother bore a beautiful girl we named Allison. We could not have asked for a better way to start the new year. The following day we took Allison home to her newly remodeled room and placed her in the crib that lay empty for over a year. The bonding was immediate. The overwhelming joy of the day overshadowed any previous anxieties we felt about losing Allison to her biological parents.

However, the days past and we became increasingly unsettled when the birth mother missed several appointments to sign the consent. When our attorney mentioned this concern to the birth mother, she specifically telephoned us to ease our minds. She explained that it was a busy period in her life but was nonetheless resolved to completing the adoption. Her commitment seemed genuine when finally she signed the consent 29 days after placing Allison in our home. Once again, we were on an emotional high.

Since we could not terminate the birth mother's parental rights without the birth father's consent, we settled back and resumed our life with Allison while our attorney attempted to locate the birth father. Once signed we would have to wait 30 days to request a court date to terminate parental rights.

Nearly two months after the birth mother signed the consent, we received a call from our attorney. After steadfastly reassuring us she would not do so, the birth mother changed her mind. What had seemed to be the perfect arrangement rapidly degenerated into a nightmare. In retrospect I can not even recall considering the option of returning Allison. This was our daughter and we would fight for her at all costs.

Since the adoption was to have occurred in York County, we immediately hired local counsel in Franklin County. As opposed to terminating rights involuntarily, our new attorney recommended we pursue court ordered temporary custody since it had not been more than six months without contact. We agreed and a court date was set exactly one week later. To say that the next several days were an emotional burden would be a serious understatement. Because we did not have court ordered custody, either birth parent was within their legal rights to visit our home and simply take Allison from our arms despite our being the only parents she knew. That fear consumed our every conscious minute. Just as a fugitive might constantly glance over both shoulders, so did we when leaving our home.

After filing the temporary custody paperwork with the court, we expected to hear from the birth mother. And once again, our hopes were raised when that did not immediately occur. However, literally five minutes before close of business on the eve of the temporary custody hearing, an attorney representing the birth mother phoned to indicate that neither party would be attending the hearing but would nonetheless fight the permanent custody petition. Although pleased our motion went uncontested, we could not think of a single legitimate excuse for the birth mother's behavior. Consequently, the judge awarded us temporary custody as expected.

As part of the arrangement, we permitted the birth mother weekly, supervised visitation through the Salvation Army. Although these visits were available immediately, it took more than a month for her to make arrangements. Since that time however, the program has been canceled due to the birth mother's lack of interest and sporadic attendance. Sadly, this does not bolster our case. History reveals adoptive parents have little chance at involuntarily terminating birth parent rights until a full six months of no contact. Either birth parent could disappear for five and one half months, then reappear suddenly and resume their case right where it left off.

Let us just say this is not a case of two capable, loving families quarreling over an infant. Although a difficult decision, we would certainly return Allison to her natural parents if we felt it best for her future, but sadly that is not the case. After the birth mother revoked her consent we were shocked to learn that her parental rights were terminated to her first two children due to physical abuse and neglect. Furthermore, she periodically abandons her remaining children with whomever, simply because she is without food or shelter. She has consistently exhibited behavior that restricts her from maintaining a job and ultimately providing for her children.

You may be asking yourself about the birth father. We doubt Allison will ever know him. Several possible fathers were named but none proven conclusively. An unknown birth father is at best a precarious circumstance for us. The natural father could suddenly emerge and claim ignorance in the whole matter thus allowing him a real chance at keeping Allison.

Pennsylvania is long overdue in their efforts to reform adoption law and we would personally favor comprehensive changes to the entire outdated statute. However, for the short term several key changes would afford impartiality to all parties in the adoption triad and minimize the risk of a disruption.

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

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

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

There are those who believe that comprehensive reform is just around the corner. However, we all know that the checks and balances of our legislature inherently preclude the expeditious passing of such broad changes. That is why I emphasize you make a serious and concerted effort to move this bill, so that other families will not have to experience the emotional torment my family endures daily. A torment resulting from the frightening prospect that our daughter will be one year old in a few short weeks with her future so far from certain. Comprehensive reform to current adoption law is necessary, however the fundamental changes I mentioned above would have such an immediate and positive impact that to ignore it would effectively abandon Pennsylvania's adopted children.

Thank you.