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SENATE JUDICIARY COMMITTEE

MINUTES

February 8, 1971

Meeting convened immediately following public hearing on S.J.R. #8 and S.B. #3 of this date.

Committee Members Present:      Chairman Monroe  
   Senator Close  
   Senator Dodge  
   Senator Foley  
   Senator Swobe  
   Senator Wilson  
   Senator Young

Guests:                              Marylee Bone, League of Women  
   Voters  
   Grant Davis - Legislative Counsel  
   Bureau  
   Press

S.B. # 16 - Permits court-decreed adoption without consent of parent, guardian or agency accepting relinquishment.  
   Senators Swobe and Young

Grant Davis brought in a new draft of this bill. He stated that from what he had gathered from the last meeting, what the committee was looking for is where the agency has custody of the child and still refuses to give consent to an adoption, that the petitioners can still file their petition and have this matter heard by the court.

Senator Young felt it was hard to visualize anybody petitioning for adoption without having the consent of the agency and couldn't imagine an agency leaving a child with people they wouldn't give their consent to. Senator Dodge pointed out that Mr. Labadie of the Welfare Department mentioned an instance where the grandparents of parentless children wanted to adopt and the Welfare Department didn't feel they would be proper adoptive parents, but the court went ahead and permitted adoption. Senator Swobe pointed out that it also occurs when a child is left with foster parents for a year or so and then they decide to adopt, but the Welfare Department reported that the foster parents weren't qualified. Senator Young felt that policy was absurd. Senator Swobe pointed out that they are adhering to administrative policy, and that they set up to sets of standards; one for foster homes and one for adoption.

Senator Foley felt that the whole criterion should not be the consent of the agency and wondered if they could add something to the effect that if the court is otherwise satisfied with all other requirements, it may enter a decision.

Senator Young felt that the report should be available at the time of the initial hearing rather than making it dependent on the outcome of the case. Grant Davis stated that he was trying to retain the confidentiality of the reports as much as possible. Senator Young felt that the threat of the report becoming public record would be there at all times. Senator Monroe felt that this information should be public and the petitioner should know they take that chance when they make application. Senator Foley agreed and added that it might be to the advantage of the petitioner for it to be made public if the report was based on malicious gossip.

Senator Dodge felt the committee should be very careful regarding this confidentiality. He pointed out that the Welfare workers usually contact good friends or employers for reports on the character of the petitioner, and if the persons contacted are expected to give honest revelations of their judgement about the petitioner, they can't run the risk of this information being revealed. It would defeat the whole concept of getting objective information.

Grant Davis thought the committee should try to keep it out of the adversary system. Senator Foley asked if there is any way the petitioners could have a chance for rebuttal. Grant Davis suggested providing that the fact of the denial be made known to the petitioner at least 10 days before the time set for the hearing. Then the petitioner may bring such witnesses as he wants to the hearing.

Senator Wilson felt that the committee should balance those occasional unfair cases of denial against the added measure of protection confidentiality provides that the child will not be placed in the wrong home when he's adopted.

The committee will discuss this bill further.

Respectfully submitted,

  
Eileen Wynkoop, Secretary

Approved: \_\_\_\_\_