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Good Morning.... my name is Mike Dahl and I am an adoptive father.

I felt compelled to try and have a conversation with this committee about the perils of enforceable Post Adoptive Contact Agreements.

But before we really begin, I am going to ask the members to try and look at these concerns, not exclusively through the viewpoint of a legislator, but through the viewpoint of the full force parents that you are in your own families.

And if possible, I would respectfully ask you to ask yourselves : If you, as parents, would be willing to live with these consequences in your households? Please try to keep this in mind as we progress.

I am going to begin with the story of John and Kathleen Hickman.

John and Kathleen Hickman are a married California couple who were unable to conceive a child of their own.

After much soul searching and deliberation, the Hickmans came to the realization that the only way they could adopt a healthy baby in California was to seek out an adoption agency that practiced "open adoptions."

Now, agencies that practice "open adoption" are agencies that require Post Adoptive Contact Agreements.

Shortly thereafter, the Hickmans did in fact fall in love with a child through a California open adoption provider.

What's special about this case is that the birthmother's parents were charged with the duties of seeing to child's adoptive needs.

ASSEMBLY JUDICIARY

DATE: 2-17-03 ROOM 3138 EXHIBIT G

SUBMITTED BY: Mike Dahl

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This was because the biological mother was in a psychiatric hospital at the time.

Now , while the grandparents wanted post adoptive contact, they did not want to adopt the child because the child was bi-racial. In fact, they were ashamed of this bi-racial grandchild... But nonetheless wanted contact.

Reluctantly, the Hickmans agreed to a one year long, letters and photographs only agreement.

The situation deteriorated quickly as the birth family began to demand more visitation rights. And as to avoid a lengthy and expensive legal battle; the Hickmans acquiesced to the birth family's demands.

What was to start out as letters and photographs, abruptly became unannounced and uninvited visits to the Hickman's home. Remember all of the visits were at the Hickman's home, because the birth family was ashamed of this bi-racial child.

Well, the constant barrage of disruptions was taking its toll on the Hickmans marriage. Of course, when the living conditions changed, the adoption process was terminated.

Now, the truly unfortunate irony is that this child was adopted by the very same grandparents who are ashamed that he is bi-racial.

For a moment, let's put aside the horrors that the Hickmans endured.... This child is going to be raised in a household where he is deemed less than a full human being. It's chilling to me that the State enabled this reality of a pair of racially insensitive grandparents raising this bi-racial child.

Clearly, the best interests of the child are not being served here.

I hope we can agree that the State should never enable this possibility.

This is not a hypothetical irregularity... This is really happening!

Now, I would like to speak about the effects of this bill on our foster children here in Nevada. Truthfully, I do not think that the effects on our foster kids has received the attention it so dearly deserves.

I would argue enforceable Post Adoptive Contact Agreements will create an unequal opportunity for adoptions; primarily among the children in our foster care system.

And this point is self-evident. Especially if you factor in the competitive nature of the children waiting to be adopted.

Let me try and build a scenario here for you...

If two equally desirable, prospective adoptive children come before a prospective adoptive family and one child has a Post Adoptive Agreement attached and the other does not... the child *without* the P.A.C. agreement attached will be the first choice. In other words the child *with* the P.A.C. strings attached will be, at best, an alternate choice.

This seems terribly unfair to me and I hope it seems terribly unfair to you as well.

In fact New Mexico made their P.A.C. agreements enforceable in 1997. Since then the number of children waiting for adoption ballooned from 120 to 844....A seven fold increase!

Source: Adoption and Foster Care Analysis Reporting System (AFCARS)

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Again the best interests of the child are not being served here.

We should not rig a system that insures unequal opportunities.

In fact, let's agree the state should encourage that EVERY child have an equal opportunity to a loving family.

There is a fiscal concern to consider as well:

If more children are not being adopted the number of children in our foster care system will increase. So not only will this agreement be a perpetual sentence to foster care for some children; it will lower the standard of living for every other person in the foster care system. This is unacceptable to me. I think our foster kids deserve better.

I have told you that I am an adoptive father. What I have not told you is that my daughter's mother was physically attacked by friends of her biological father for the express purpose of bringing on a miscarriage. Fortunately, this did not happen.

But it begs the question what if a PAC agreement had been in place and enforceable?

It's hard to envision a scenario that would force this terrible influence on my family. Again look at your own family.

Would you allow someone like this into your children's lives?

Shouldn't all parents have the right control inappropriate influences in their own families?

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There are some legal precedents to consider as well.

First, the New Jersey Appellate Court in case (a-85-93) was charged with answering the question if a Post Adoptive Contract Agreement could forcefully subject a child to maintain a relationship with a biological parent.

In a 6 to 1 decision the court found in favor of the adoptive parents because it was found that giving up a child for adoption was a terminal act, not subject to a Post Adoptive Contact Agreement.

The court went on to define abandonment. The court held: "The deliberative, informed, and voluntary nature of the decision to surrender the child and to consent to the child's adoption tends to demonstrate intentional abandonment."

It further observed: " Abandonment is abandonment, and one either has abandoned a child or has not. There are no degrees of abandonment."

Even the Congress of the United States has weighed in on this subject in their passing of The Adoption and Safe Families Act of 1997. (HR867)

Source: National Council for Adoption- House Congressional Records.

It's goal was to outline policy guidelines that further served the best interests of children in foster care.

The relevant provision says that the States are not required to make efforts to keep biological parents and children together in cases of torture, chronic abuse, sexual abuse, and ABANDONMENT.

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I am going to close here and again remind you to look at these concerns the way you would if it were your own family.

Remember the times you showed your child guidance by having the authority to limit inappropriate influences in your own children's lives.

Remember how important those moments were to your children's development and how important that you were there to make those decisions.

Now, imagine your hands being tied by your own State government.

Please don't make adoptive parents less than a full parenting force in Nevada.

And please don't forget the plight of all our foster kids who deserve a loving family too.

Finally, you the Judiciary Committee have a very profound decision to make here. I sincerely hope the best interests of the children will prevail.

Thank you for allowing me to speak with you today.

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To: NCC members and Friends
From: Mike Dahl

Re: AB 28 (Post adoptive Contact Agreement)

Friends,

This post adoptive contract agreement bill may sound good to some on its face. Let me assure you this bill will be a destructive force to the family, the community, and our disadvantaged youth. Here's why:

1. The post adoptive contract agreement (P.A.C.) will be used as a negotiating tool for the natural parent(s).

Without question, many, if not most, natural parents will require a P.A.C. agreement before allowing an adoption to be approved. Just think children that are currently under foster care may never have an opportunity to be adopted because their natural parent(s) require a P.A.C. agreement. This bill would be a perpetual sentence for many children in our foster care system today. Please take note; being adopted is not unlike any job interview. It is very competitive, especially among the most disadvantaged children. It's safe to say many children will be denied adoptive families if they are forced to bring this caveat to the table. The reality of less children being adopted will overtax an already encumbered foster care system. So not only will this bill keep children from being adopted, it will undoubtedly lower the standard of living for all children in the foster care system. Our disadvantaged children deserve much better than that. We have to add, not subtract opportunity.

The best interests of the child should be above everything else.

2. This bill will promote sexual irresponsibility.

Illegitimate children are a reality of our society. If people are not truly giving up children for adoption, what is to stop them from creating their own illegitimate family clusters that can be assembled, turnkey, ready to go at a later, predetermined date? Scary stuff; is it not? Unfortunately, it will be very attractive to some; the idea of having someone else raise a child for them, educate them, feed and clothe them, to later swoop in and be a part of their lives. It would be like hitting the nanny lottery in the eyes of some.

There is another doomsday scenario for the prospective adoptive parents of a preborn child: A biological mother threatening to have an abortion to secure a P.A.C. agreement? Adoption should prevent, not enable this possibility.

3. The introduction of P.A.C. agreement makes the adoptive parents less than a full parenting force in the eyes of the law. In fact, this bill, if passed, would in effect, make partial adoptions a reality.

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This may be the most dangerous aspect of all. It ties everything together, so I felt it appropriate to make a personal aside here. I have been blessed with two very special children. One child was given to me by natural means. The other was brought into my life through the miracle of adoption. I have been through the beginning, middle, and end of both events and I know this to be true:

Without question, they are very different events.
Without question, they are equally powerful.
They should continue to be regarded as equally sacred in the eyes of the law.

When you execute the adoption decree, the judge informs you that you are totally responsible for that child, in every way, until the age of 18. You are charged with providing adequate food and shelter, seeing to their educational needs, and most of all maintaining an environment rich in guidance and love. With these responsibilities come very sacred rights. The first is the right to keep your child as far away as possible from, what the parents perceive, as negative or unsavory influences. We can not force adoptive parents to let potentially abusive and addicted people into their children's lives. What is truly laughable is the sunset of the PAC agreement falling on the child's 18th birthday. In other words, a child may be forced to meet their biological parent anytime before their 18th birthday. Do we want 10 year olds being forced to find out that they are adopted? Of course not. This is a very private issue between parent and child. Not between child, state, and biological parent. In addition, there is an inherent danger that will be created when you introduce a child to their biological parent. With the reality of the internet, latch key children, and cell phones abound, I can see an overwhelming potential for back channel communications behind the adoptive parents back. I will let you draw your own conclusions here. This is too much to ask a prospective adoptive parent to accept. What parent would?

In closing, this bill serves no new positive purpose for our children. In fact, this bill will hurt the most fragile and vulnerable of our youth. Currently, there are mechanisms already in place for the child, at their pleasure, to locate and contact their biological parent(s). This bill is unnecessary and destructive. Our position should be about two things only: The sanctity of the family unit and the welfare of our children. The road of partial adoptions is not the answer.

Sincerely,

Mike Dahl

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