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Anderson, Bernie Assemblyman

From: Dow & Jennifer Woerner [thej70bp7@bigplanet.com]
Sent: Thursday, March 06, 2003 12:07 PM
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Subject: [REDACTED]

Dear Assembly Judiciary Committee member,

We have serious concerns regarding the proposed legislation AB 28. Our concerns are as follows:

1. **This legislation should not apply to infant adoptions.** In such adoptions the adoptive parents have become fully the parents of the child and should not, as such, have their parental decisions overruled by a Judge throughout the child's lifetime. This should not be treated as a custody issue.
2. This legislated contract is to be enforced by Family Court Judges who deal with custody issues daily. Although the proposed legislation disallows the ending of an adoption or removal of a child from his adoptive parents it does not specify issues such as whether adoptive parents would be responsible for paying for transportation of birthparents for visitation. Would the adoptive parents need Court permission to move out of state similar to a custody agreement? If they left the state of Nevada who would enforce the contract? What if the adoptee did not want visitation or contact, as she grew older, would the Court force it?
3. If the legislation is passed it should be modified to terminate at the child's 18th birthday or an earlier specified date.
4. The legislation should be written so that only the adoptive parents can go to court to alter the contact agreement. The judge should not have the right to increase birthparent contact once the adoption has been finalized. The adoption plan in infant adoptions is based on agreement by all parties prior to the placement.
5. Change the wording to presume that the "adoptive parents are acting in the best interests of the child".
6. Using the forum of the Family Court is an inappropriate place to enforce a contract. Rather than subject adoptive parents to court jurisdiction for a lifetime allow the contract to be handled by civil court as other contracts are now enforced.
7. The legislation allows that the losing party will pay the attorney and court costs. In many cases the birthparents would be unable to afford these costs. The adoptive parents may therefore unfairly be responsible for costs they have not incurred. In addition, birthparents would not be

3/6/2003

1072

ASSEMBLY JUDICIARY SUBCOMMITTEE
 DATE: 3/12/03 EXHIBIT E
 SUBMITTED BY: D. WOERNER

discouraged from filing multiple court actions since they would not be able to pay them anyway.

8. There is no time limitation on when a complaint can be filed in response to alleged misconduct. There needs to be a time limit such 3 to 6 months for a specific action.
9. What about the consequences of not following a judge's order? Will the adoptive parents be jailed for contempt of court? Consider the consequence of a fine such as \$25 to \$50 with a maximum allowance for all penalties of \$500 to \$750.

We are adoptive parents and are deeply interested in the future of adoption in our community. Please reconsider the necessity for this legislation. It is categorically wrong to force adoptive parents to be answerable to the Court once an adoption has been finalized. Adoptive parents work long and hard to build their family. Nevada law requires that licensed agencies work with all parties to complete an adoption plan in the best interest of the child. This legislation would return the adoptive family to the state, more resembling foster care than the permanent adoptive status we promise our children. We jump through hoops to become adoptive parents and want to ensure a stable family life for our children. If the birth parents are directly involved on a regular basis, that could cause emotional unstableness. After all the reason the birth parents give the child for adoption is because they don't feel they can raise the child themselves. Why mess with something that is already a good thing for everyone involved?

Thank you for your consideration. Please feel free to contact us for further discussion.

Mr. & Mrs. Dow Woerner
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3/6/2003

F 2 of 2