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Anderson, Bernie Assemblyman

To: tim LeMaster
Subject: RE: AB 28

Mr. & Mrs. LeMaster;

I noted your email to Mr. Conklin regarding AB 28 a bill which I proposed based on recent state Supreme Court case and agreements that are drawn up prior to adoption and the silence of the legislature on this issue. A group of people who have children and are thinking of allowing adoption feel that they have been lied to by agencies that they would have an open adoption, for a wide variety of reasons, and how feel they are out. The bill sets it forward very clearly if you enter into an agreement it needs to be made part of the judicial adoption decree and then if it is violated the natural parent can come and ask for the enforcement of the agreement. The adoption IS NOT set aside as a result of the claim; it does give the birth parent an opportunity to come to court and make their concerns known.

If we do nothing, I am concerned that open adoptions will come to an end and people will lose out on their chance to be an adoptive parent who will bond with that child.

I too hope we can find an answer that allows people the opportunity to adopt children with the least amount of problems as possible.

Bernie Anderson

-----Original Message-----

From: tim LeMaster [mailto:timlemaster@hotmail.com]
Sent: Tuesday, March 04, 2003 2:10 PM
To: MConklin@asm.state.nv.us
Cc: WHorne@asm.state.nv.us; banderson@asm.state.nv.us;
joceguera@asm.state.nv.us; bbuckley@asm.state.nv.us;
JClaborn@asm.state.nv.us; hmortenson@asm.state.nv.us;
gohrenschall@asm.state.nv.us; SAngle@asm.state.nv.us;
dbrown@asm.state.nv.us; jcarpenter@asm.state.nv.us;
JGeddes@asm.state.nv.us; dgustavson@asm.state.nv.us;
GMabey@asm.state.nv.us; RSherer@asm.state.nv.us;
dgregg@catholiccharities.com
Subject: AB 28

Dear Mr. Conklin and AB28 Committee Members:

We are the LeMaster family and are members of district 37.

AB 28 was brought to our attention last night as prospective adoptive parents by our adoption agency. We are pleased that you and the legislature and taking an interest in adoption and that you are a member of the committee that affects adoptive and birth families. This bill has the text "best interests of the child" in it many times and that is where we want to focus.

After reading it several times and the considering implications, we think this well intended idea misses the stated goal. Our adoption agency has been promoting OPEN and SEMI-OPEN adoptions with the best interests of the

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ASSEMBLY JUDICIARY SUBCOMMITTEE

DATE: 3/12/03 EXHIBIT 6

SUBMITTED BY: TIM LeMaster

child as well. As prospective adoptive parents, we do want what is best for our future child, but under NO circumstance would we ever sign an agreement as drafted in AB28 . Without substantial change to this bill, you will force more potential adoptive parents to not even consider OPEN adoptions. The pool of parents willing to sign that agreement will be so small it will be ineffective in Nevada.

We recently 'graduated' from adoption class with 14 other people. We met for dinner last week. Although I don't speak for the group, I cannot think of 1 member of that group who would sign an agreement like this.

Please consider making substantial revision that address the points attached at end of this email.

Many registered republicans in our district voted for you based on what occurred in the primary. Please show us that we made the correct choice by voting cross party for the right person. At the next election, we would

love to put a CONKLIN sign in our front yard and tell all our HOA members about the good work you did revising AB28.

Sincerely,

Tim&Lori LeMaster
3662 Funston Way
LV NV 89129
702-658-1455

cc: AB28 committee

ITEMS FOR REVISION

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 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.

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