

DISCLAIMER

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To the Honorable Chair and Members of the Senate Judiciary Committee,

Good morning, my name is Carolyn Hansen Follis. At 12:10 am, Feb. 25, 1979 in the William B Reilly Hospital in Ely, Nevada, I became a member of the category the adoption tri-ad refers to as "Birthmother". A healthy 9 lb. 10 oz. boy was born and placed for adoption through the Las Vegas LDS Social Services.

I greatly appreciate the opportunity to speak to you in support of Senate Bill 267 on behalf of Nevada Open, and to provide testimony and other examples (attached as exhibits,) to dispel the myth that "birthmothers" are "promised" that their identities will be kept confidential.

The exhibits are relinquishment docs, provided by Paula Long, signed in Nevada in 1973 by a "birthmother", and another signed by a "birthfather". I hope you'll take special note of Section 7, which clearly states:

"No promises, other than those contained herein, have been made to me by the Welfare Division of the Department of Health, Welfare and Rehabilitation, and no agreements, other than those contained herein, have been entered into between myself and the Welfare Division of the Department of Health, Welfare and Rehabilitation."

No Promise of confidentiality nor anonymity are in the form.

In Section 9, already absent from promises, parental rights are relinquished, and service of all process and notice on hearing of any petition and proceeding for the adoption of the minor are expressly waived.

"I further relinquish all natural and parental rights to the custody and control of said minor child and waive notice and service of any and all process and notice on the hearing of any petition and proceeding which may hereafter be brought for the adoption of said minor child."

I am here to let you know, in my case, not only was confidentiality not promised, the exact opposite occurred. The agency representative made an oral "promised" that a letter I had written including identifying and contact information would be given to my son when he turned 18. A "promise", 18 years and three months later, the agency told me *the representative had no authority to make ...the agencies policy was that letters are not given to adoptees, nor are the letters kept in their files.* Not great news for a "birthmother" to find out 18 years and three months to late.

I tell you this, not to point out "poor me" but to show to each of you:

Just as it is not practical for the government, or the courts, to enforce the "promises" made to a 17 year old girl by the LDS Social Services (even if made to induce the placement of that healthy baby boy), ... the government and the

courts SHOULD NOT take on the enforcement of "promises" made by agencies (not in a position to bind the government or courts) simply because the agencies or birthmothers claim the "promise" of confidentiality was necessary to secure the placement for adoption.

Prior to 1973, when records sealed in Nevada to adult adoptees, except by court order, birthparents had an expectation that their relinquished children would have a right to know their identities and full circumstance of birth. That was a promise made to thousands of birthmothers. And it remained a hope. When records sealed, that promise was broken.

In summary,

- the relinquishment forms signed expressly disclaim that additional promises or warranties have been made and waive further rights of notice regarding the adoption;
- agencies, religious, regional, or well meaning as they may be, do not have the authority to bind the governmental actions ... or said another way the agency promises do not dictate your actions, only their own (if they are honorable);
- honoring only the promises of "privacy" gives disparate treatment and enforcement to the oral "promises" made by the agencies
- concerns regarding "embarrassment" or "disruption to families" do not preclude the legislators or the courts when dealing with paternity suites; such concerns should not be given more weight than the equal treatment of adult adoptees in obtaining a true and accurate copy of their birth certificate and other vital documents.
- Adoption is designed to focus first and foremost the best interests of the child. I strongly urge you to continue to focus on this objective as you craft and enact your Legislation. Open Records to adult adoptees are in the best interest of the adoptee as the studies continue bring forward better understanding of this principal.

Thank you very much for this opportunity. Please support SB 267.

Best Regards,

Carolyn Follis, Esq.

RELINQUISHMENT OF CHILD FOR ADOPTION

Know all men by these presents that I, _____
hereby declare and acknowledge that:

1. I am the SAEEL ZAHAR of MAY GIRL
a minor child born on the 16th day of April, 1973, in the City
of Las Vegas, County of Clark, State of Nevada

2. Said minor child was born in wedlock, legitimated, or the child's natural father's rights have been established in a court of competent jurisdiction.

3. I have read this "Relinquishment for Adoption" and know the contents thereof and have been fully advised as to the meaning and effect of same.

4. I am in full possession of my faculties and am not under the influence of any drug or sedative.

5. I am not subject to any fraud, duress, fear, menace, compulsion, or undue influence whatever.

6. I sign this instrument with full knowledge of the contents thereof, freely and voluntarily and for the uses and purposes described herein.

7. No promises, other than those contained herein, have been made to me by the Welfare Division of the Department of Health, Welfare and Rehabilitation, and no agreements, other than those contained herein, have been entered into between myself and the Welfare Division of the Department of Health, Welfare and Rehabilitation.

8. I hereby freely and voluntarily relinquish my said minor child to the Welfare Division of the Department of Health, Welfare and Rehabilitation of the State of Nevada, for the purpose of adoption, and consent that said Welfare Division, through its proper officials or agents, may place said child for adoption with such person or persons as they may select and that the Welfare Division may consent to the adoption of said minor child by such person or persons so selected, in manner and form prescribed by law.

9. I further relinquish all natural and parental rights to the custody and control of said minor child and waive notice and service of any and all process and notice on the hearing of any petition or proceeding which may hereafter be brought for the adoption of said minor child.

IN WITNESS WHEREOF, I have signed this instrument this 3rd day of July, 1973

SAEEL ZAHAR
Signature

Signed and delivered in the presence of:
Edward G. Wright
Witness
2496 Alibi Court
Street and Number
Las Vegas, Nevada
City and State

Edward G. Wright
Witness
2496 Alibi Court
Street and Number
Las Vegas, Nevada
City and State

6-23

3-013
3-014
3-015

STATE OF NEVADA }
COUNTY OF Clark } ss.

On this 3rd day of July 1973, personally appeared before me, the undersigned Notary Public in and for the County and State aforesaid, [redacted] known or proven, to me to be the person described in and who executed the above and foregoing instrument, who duly acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official stamp, the day and year in this certificate first above written.

Flourence M. Mellin
Notary Public as aforesaid

STATE OF NEVADA }
COUNTY OF Clark } ss.

REGISTRAR & CLERK
Notary Public - State of Nevada
Clark County
My Commission Expires Dec. 17, 1976
Date July 3, 1973

Then and there personally appeared the within-named [redacted] and *Edward Hyle* who, being duly sworn, depose and say: that they witnessed the execution of the above relinquishment for adoption by [redacted] that

he subscribed said relinquishment and declared the same to be a voluntary relinquishment in their presence; that they thereafter subscribed the same as witnesses in the presence of [redacted] and in the presence of each other and at the request of [redacted] that at the time of the execution of the relinquishment [redacted]

acknowledged to them that he was and he appeared to them to be in full possession of his faculties and not under the influence of any drug or sedative or subject to any duress, fear, menace, compulsion, or undue influence whatever; and that they make this affidavit at his request.

William [redacted]
Witness
Edward Hyle
Witness

Subscribed and sworn to before me
this 3rd day of July 1973
Flourence M. Mellin
Notary Public as aforesaid

REGISTRAR & CLERK
Notary Public - State of Nevada
Clark County
My Commission Expires Dec. 17, 1976

RELINQUISHMENT OF CHILD FOR ADOPTION

Know all men by these presents that I, [redacted] hereby declare and acknowledge that:

1. I am the Mother of MARY GILL [redacted] a minor child born on the 16th day of April, 1933, in the City of Las Vegas, County of Clark, State of Nevada

2. Said minor child was born in wedlock, legitimated, or the child's natural father's rights have been established in a court of competent jurisdiction.

3. I have read this "Relinquishment for Adoption" and know the contents thereof and have been fully advised as to the meaning and effect of same.

4. I am in full possession of my faculties and am not under the influence of any drug or sedative.

5. I am not subject to any fraud, duress, fear, menace, compulsion, or undue influence whatever.

6. I sign this instrument with full knowledge of the contents thereof, freely and voluntarily and for the uses and purposes described herein.

7. No promises, other than those contained herein, have been made to me by the Welfare Division of the Department of Health, Welfare and Rehabilitation, and no agreements, other than those contained herein, have been entered into between myself and the Welfare Division of the Department of Health, Welfare and Rehabilitation.

8. I hereby freely and voluntarily relinquish my said minor child to the Welfare Division of the Department of Health, Welfare and Rehabilitation of the State of Nevada, for the purpose of adoption, and consent that said Welfare Division, through its proper officials or agents, may place said child for adoption with such person or persons as they may select and that the Welfare Division may consent to the adoption of said minor child by such person or persons so selected, in manner and form prescribed by law.

9. I further relinquish all natural and parental rights to the custody and control of said minor child and waive notice and service of any and all process and notice on the hearing of any petition or proceeding which may hereafter be brought for the adoption of said minor child.

IN WITNESS WHEREOF, I have signed this instrument this 3rd day of July, 1933

[Signature]
[redacted]

Signed and delivered in the presence of:

Edmond E. [Signature]
Witness
[Signature]
Street and Number
[Signature]
City and State

[Signature]
Witness
204 E. [Signature]
Street and Number
[Signature]
City and State

6-3

STATE OF NEVADA

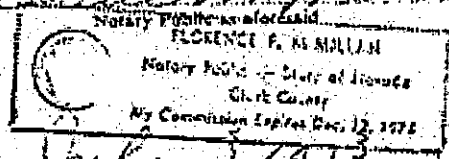
COUNTY OF Clark } st.

On this 3rd day of July, 1973, personally appeared before me, the undersigned Notary Public in and for the County and State aforesaid, _____ known or proven, to me to be the person described in and who executed the above and foregoing instrument, who duly acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official stamp, the day and year in this certificate first above written.

STATE OF NEVADA

COUNTY OF Clark } ss.



Date July 3, 1973

Then and there personally appeared the within-named _____ and _____ who, being duly sworn, depose and say: That they witnessed the execution of the above relinquishment for adoption by _____ that

_____ she _____ subscribed said relinquishment and declared the same to be a voluntary relinquishment in their presence; that they thereafter subscribed the same as witnesses in the presence of _____ and in the presence of each other and at the request of _____ that at the time of the execution of the relinquishment _____ she was _____ and _____ acknowledged to them that _____ appeared to them to be in full possession of _____ her _____ faculties and not under the influence of any drug or sedative or subject to any duress, fear, menace, compulsion, or undue influence whatever; and that they make this affidavit at _____ her _____ request.

Ed Hoyle
Witness
William E. Hoyle
Witness

Subscribed and sworn to before me

This 3rd day of July, 1973

Florence F. McMullen
Notary Public as aforesaid

