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**Testimony Regarding SB 267  
Before the Senate Judiciary Committee**

**BILL: SB 267 – ALLOWS ADOPTEES ACCESS TO RECORDS**

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Good morning, Chairman Amodei, members of the Committee.

I am Edward Cotton, Administrator of the Division of Child and Family Services. With me is Wanda Scott, Nevada's Adoption Specialist.

SB 267 allows adoptees 18 and older to access the court records of their adoption proceedings. It also allows an individual 18 and older to access information in the vital statistics office of the Health Division that shows their birth was out of wedlock. Further, it allows an adoptee or foundling child 18 and older to access their original birth certificate and other information that may be sealed by the vital statistics office. Lastly, the bill would repeal the Adoption Registry.

Our position on SB 267 is neutral, and I am here today to talk about some of the perceived positives and to raise some questions we have about this proposed legislation.

The primary benefit to the bill is that it could ease future search efforts of adoptees to find their birth parents.

However, as written, I have several questions about the bill:

1. What consideration is given to the privacy rights of individuals who in the past gave up their children for adoption on the condition of confidentiality? As currently proposed, the bill does not appear to take this into consideration.
2. Should information eligible for release from court records be specified? For example, should it be limited to:

- a. The confidential report to the Court<sup>1</sup>
  - b. The petition to adopt the child
  - c. Documents that free the child for adoption
  - d. The adoption decree
  - e. The child's original birth certificate
3. What consideration is given to a birth parent, siblings or other relatives who currently may be listed on the registry if they wish to be available for contact? The bill appears to expand the information available to the adoptee, but reduces the possibility of connecting for other family members, including siblings, aunts, uncles, grandparents, or birth parents.
  4. Is there a concern that the proposed legislation may deter adoptions by both birth and adoptive families who may wish to participate in a closed adoption?
  5. Is there any benefit to retaining some form of the adoption registry? Currently, Nevada has what is known as a passive mutual consent registry. Adoptees, birth parents, siblings, and eligible relatives (with signed permission from a birth parent) are able to file an application with the registry. However unless the individual with whom the applicant wishes to make contact also has an application on file, the division cannot share the identifying information needed to conduct a search. The current registry process can be particularly disappointing for siblings and relatives who are searching for an adoptee but cannot get permission from a birth parent either because their whereabouts are unknown, they are deceased, or they refuse to give permission. When applications are on file for all relevant parties, the division makes contact by letter and telephone to provide the information needed to make contact. The information provided is limited to that provided on the registry application, which includes names, date and place of birth, and address. The division does not actively participate in the search effort. If the registry never receives an application from the person the applicant wishes to make contact with, no identifying information can be provided by the division without a court order. The application is kept on file. The current application process also gives the applicant the choice of withdrawing his or her application at any time.

Other states handle adoption searches in a variety of ways.

- Four states (Alabama, Alaska, Kansas, Oregon) give access to original birth certificates to an adult adoptee.
- Seven states have qualified access to original birth records:
  - Vermont: requires consent for adoptions finalized before 1986; but post-1986 adoptees have access unless there is a birth parent "disclosure veto" on file.

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<sup>1</sup> Specified in the Nevada Adoption Manual, Section 709, 3. Confidential Report to the Court

- Tennessee: opens all records to adult adoptees upon request, but allows a disclosure veto and contact veto by birth parent for adoptees that are the product of rape or incest.
- Hawaii: Record for pre-1991 adoptions available if there is a waiver of confidentiality. Post-1991 adoptees have access if there is no disclosure veto. Same provisions exist for birth parents.
- Nebraska: opens birth certificates to adoptees over 25 unless a birthparent has filed a disclosure veto
- Minnesota: records to adult adoptees of post-1982 placements unless a birthparent disclosure veto is filed.
- Colorado: post-1999 placements, records to adult adoptees unless a birthparent disclosure has been filed. Others only by court order.
- The vast majority of states have passive (both parties must sign up) or active (one party signs and the state searches for the second party to obtain permission) registries, or has a system using a "confidential intermediary" who will try to facilitate a reunion. Most of these states charge for these services. Some states have specific registries:
  - Kentucky has a siblings registry
  - Pennsylvania has a medical records registry

The committee may wish to consider incorporating some of the parameters of other states, and may wish to consider what means siblings, other relatives, and birth parents may have to attempt contact.

Thank you, for allowing me to testify today. I would be happy to answer any questions the committee might have.