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Testimony before Senate Judiciary Committee
March 28, 2003

Senate Bill SB267

Mr. Chairman and Members of the Committee:

My name is Chris B. Escobar from Las Vegas, Nevada. I am an attorney at the law firm of Pico & Mitchell, Ltd. I am here representing myself and also a group of 109 people associated with Families Supporting Adoption, a Nevada organization of people interested in adoption. I am the legislative chairperson for that group and have been asked to speak on behalf of that group today.

I, and Families Supporting Adoption are against this bill.

First, it takes away an option for a birth mother, who may be considering placing her child for adoption. Birth mothers who wish to maintain their privacy, if this open adoption bill becomes law have only one option if they are pregnant. To maintain their privacy, they must abort. This necessarily decreases the number of children available for adoption.

Secondly, there are birth mothers who, as this committee should realize, will not come to testify because they have made the conscious decision to block out this facet of their life. They have chosen to place a child for adoption and have moved on. Now, years later, if this bill was to become law, they have a potential of invasion of that privacy without their consent.

Imagine a birth mother, who is a young teenager, became impregnated and gave birth to a child placing it with a couple who raised the child. In my hypothetical, the birth parents entered into an agreement with the understanding that their names would not be given. The birth mother and birth father have left the state, changed their addresses, gotten married to other people, had families, but kept the same social security number. They have never shared the information of the pregnancy with any of their immediate family members. Suddenly, on their door step or via a telephone call there is contact from a child they placed for adoption some 20 years ago. Without their consent, that person is now back in their life. They didn't want their children to know of the choice they made years ago. There are a myriad of reasons. It could be that the birth mother left town for a few months and gave birth and placed the child elsewhere without friends knowing, came back into her life without anyone except parents being told and does not desire the contact.

It may be that because of a cultural issue it would devastate her present marriage and the relationship with her own parents (i.e. a birth mother from India heritage).

I have talked with adoption specialists at agencies who have been given a specific "no contact" directive from the birth mother. They have moved, left incorrect addresses, listed wrong grand parents; in short done all that they could to maintain their privacy. This legislation takes away their right to maintain their privacy without asking them or without notifying them of the change. They have no protection.

These are extreme examples, but they are examples that will in the future and have in the past occurred. What you are asked to forego by this bill is the balancing of a birth mother's and father's right with that of the adoptee's right.

We presently have in existence a Nevada State Register for Adoptions found at NRS 127.007 that accomplishes the appropriate balance. It requires both parties, the adoptee and the natural parent or parents and those within the third degree of consanguinity to sign up. If both sides sign up information is provided so contact can be made between the birth parents and adoptee. There have been contacts made through that Registry. Every private adoption agency I have talked with including, Catholic Charities, LDS Family Services, Adoption Alliance and New Hope have all had reunions through the use of the Registry. They have had birth parents and adoptees which they have placed have reunions through the use of this Registry. It work. It provides an opportunity for both parties to be considered.

One of the other questions that this committee has to wrestle with, if they approve this bill, which will change the adoption laws in the State of Nevada is: "what effect open adoption will have on adoptions in Nevada." Statistical evidence suggests that there has been a decline in countries where open adoption has been mandated by legislation. I am happy to provide this committee with articles that discuss open adoption for their consideration, if they so desire.

I again reiterate that the policy in Nevada that we presently have is appropriate. It allows both party's rights, the natural parents and the adoptee, the right to determine if contact should be made.

I thank you for your time and attention.

Respectfully yours,

Chris B. Escobar
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