Approved March 29, 1990
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Senator Wint Winter, Jr. at
Chairperson

9:15 a.m./~~p.m.~~ on February 16, 1990 in room 514-S of the Capitol.

All members were present except: Senators Moran, Feleciano, Gaines, Martin and Rock who were excused.

Committee staff present:

Mike Heim, Legislative Research Department
Gordon Self, Office of Revisor of Statutes
Judy Crapser, Secretary to the Committee

Conferees appearing before the committee:

Judge Sam Bruner, Family Law Advisory Committee, Judicial Council

The Chairman called the meeting to order by stating that in response to the many questions and suggestions offfered by those testifying on SB 431, the Judicial Council's Committee on Family Law was contacted and asked to respond.

SB 431 - concerning adoption; enacting the Kansas adoption and relinquishment act; providing that certain health policies and contracts contain coverage with respect to adopted children.

Judge Sam Bruner, Member of the Family Law Advisory Committee and District Court Judge, presented testimony in response to the questions and suggestions previously presented to the committee. (ATTACHMENT I)

This concluded the information gathering for SB 431.

The meeting was adjourned.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

GUEST LIST

COMMITTEE: SENATE JUDICIARY COMMITTEE DATE: FEBRUARY 16, 1990

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Mike Clarke	YS	SRS
Barbara Stodfell	Youth Services	SRS
Ann Basgall	Topeka	Gov Office
Stacy Hahn	Topeka	Washburn Student
Nicole Sherman	Topeka	W.U Student
Shawn Johnson	Topeka	WU Student
Melissa Ness	Topeka	KCSN
Jim Clark	Dan	KDAA
Amy L. Brunner	Olathe	KELAC
Matt Lynch	Topeka	Jud. Council
John Hughes	Manhattan	KAPS

February 16, 1990

M E M O R A N D U M

February 16, 1990

To: Senate Judiciary Committee

From: Sam Bruner, District Judge and Member of the Family Law Advisory Committee, and Matt Lynch, Research Associate, Kansas Judicial Council

Re: 1990 SB 431, Kansas Adoption and Relinquishment Act

SB 431 represents in large part the recommendations of the Judicial Council Family Law Advisory Committee as modified by the Special Committee on Judiciary. Conferees raised a number of issues in regard to SB 431 at the February 5 hearing before the Senate Judiciary Committee. Chairman Winter requested a response to these issues by representatives of the Family Law Committee. Due to the shortness of time, neither the Family Law Committee nor the Judicial Council was in a position to review the issues raised in regard to SB 431. Consequently, this memorandum does not necessarily reflect the views of either such group.

A major effect of SB 431 would be the recodification of Kansas law relating to adoptions and relinquishments. SB 431 preserves the bulk of existing statutory language in these areas. This was done with the recognition that existing language is familiar to, and generally well-understood by, courts and practitioners and represents prior policy decisions of the legislature. Some of the issues raised by conferees relate to existing Kansas law rather than substantive changes which would be made by SB 431.

Sec. 2(e) Judge Mikesic noted that the definition of a child's residence (page 1, beginning on line 36) does not contemplate the situation where the birth parents are not married, but the father has custody of the child. His point is well-taken, although it would appear such a situation would rarely arise. The reason for defining the child's residence is to assure there is a sufficient contact with Kansas to justify jurisdiction by a Kansas court where the adoption petitioners are nonresidents. No obvious reason comes to mind why an additional subsection could not be added to the definition to address the situation raised by Judge Mikesic. A connected issue raised by Judge Mikesic concerns section 16, page 5, in lines 39, 40, 42, and 43, where slightly different phrases are used than the ones which are defined in section 2(e) relating to the child's residence. Perhaps, section 16(a) and (b) could be amended to refer to "county of residence of the child" and section 2(e) could be amended to refer to "residence of <u>the</u> child".

Sec. 4 In regard to subsection (a), Judge Mikesic would add a 72-hour period to rescind a consent if it is "in the best interests of the child". Present law contains no such recision period, although a consent can be revoked for any reason between the time it is executed and it is filed. In conjunction with this matter, Judge Mikesic recommends that the waiting period in section 6 before a mother can give a consent or relinquishment be changed to 72 hours after the birth of the child. Currently, such a waiting period is not statutorily addressed. The Family Law Committee recommended a minimum 24-hour period which would have applied to both the mother and father. The Interim Committee reduced this to 12 hours and applied it only to the mother. Waiting periods and recision periods are policy issues for the legislature to consider in light of the interests of the consenting parties, affected children and prospective adoptive parents.

In regard to section 4(b), it has been suggested the use of the phrase "no sooner than" is ambiguous. The intent of the Family Law Committee was to require that a consent not be more than 6 months old at the time the petition is filed. This was intended to prevent potential abuse of "stale" consents by providing some indication the consenting party had knowledge of the relevant circumstances at the time adoption was contemplated and the consent was given. There would be no objection to clarifying language which achieves the intended purpose. However, such language should also allow for the possibility of execution of a consent after the petition is filed.

Sec. 5 This section would add to Kansas Law the requirements that a minor parent be provided with the advice of independent legal counsel as to the consequences of a consent or relinquishment and that such person be present at the execution of the instrument. In his written testimony, Mr. Vincent suggested execution of the instrument by a minor parent before the judge would be an acceptable alternative to independent legal counsel since the judge would have the statutory duty to inform the consenting minor as to the consequences of the instrument. The Family Law Committee did not view the role of the judge and of the independent counsel for a minor to be equivalent. Independent counsel would likely give the minor parent a larger understanding of the process, outline and explore alternatives available to the minor parent and, in the case of adoption, inform the minor parent of allowable expenses that could be received under section 11. In her testimony, Ms. Bremyer-Archer suggests the independent counsel should not have to be present at the time of execution of the instrument if such counsel has met with the parent within 30 days preceding the birth of

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the child and advised the minor parent at such time. It is the position of the Family Law Committee that advice provided at an earlier time may diminish in value due to the intervening passage of time and, more importantly, the birth of the child.

Sec. 10 Judge Mikesic suggested prohibiting nonresidents from states that are not members of the interstate compact on placement of children from adopting in Kansas. Judge Mikesic specifically referred to New Jersey. It is our understanding that New Jersey has recently become a member of the compact and, consequently, now all 50 states belong to the compact.

Sec. 11 Section 11 is virtually identical to the existing statute with the exception that in (a)(1) the phrase ". . . not to exceed customary fees for similar services by professionals of equivalent experience and reputation where the services are performed . . ." has been added. Judge Mikesic suggests that fees for legal and other professional services be limited to the "local" customary fees (presumably, this means the customary fees in the county of venue in Kansas), that such fees be based on an hourly rate of compensation and that no attorney fees may be accepted until approved by the court. These issues were discussed by the Family Law Committee and arguments for and against such provisions were raised. If legitimate, valuable services are performed out-of-state in connection with an adoption, it does not seem objectionable for the court to review such fees in terms of what is customary where the services are performed. To disallow such fees solely because they are beyond what is customary in the county of venue in Kansas would certainly inhibit certain nonresidents from being able to adopt in Kansas. We suspect that the underlying concern motivating the recommendation for the limiting provisions relates to the inability of the Kansas court to enforce its determinations in regard to fees which are clearly excessive or of questionable legitimacy. Section 11(b) retains the provisions from the current law for a detailed accounting, review by the court, court disapproval of unreasonable or illegal consideration and court-ordered reimbursement of consideration already given in violation of section 11. Admittedly, existing enforcement problems are not solved by the proposal.

As to the suggestion that all fees be based on an hourly rate, practitioners often charge a flat fee in connection with an adoption. The amount of time and work required of the practitioner will vary with the factors present in individual cases. Consequently, in some cases, the flat fee will work to the benefit of the petitioners. Courts should be able to evaluate

whether a given fee is reasonable and can require an itemization to evaluate the reasonableness of any particular fee.

Ms. Breymer-Archer suggests that section 11 should explicitely address actual living expenses for the birth mother of an older child and counseling for birth parents, although she believes proper expenses should not be limited to examples set out in the statute and the court should be the ultimate decision-maker as to what is proper under the circumstances. We believe counseling for birth parents is covered by the proposal (which continues existing law) and that the issue of living expenses for a parent of an older child is a policy question for the legislature.

As to problems with enforcement which appear to underlie Judge Mikesic's concerns, Mr. Vincent suggests criminal penalties for giving or receiving payment in violation of section 11 and for a knowing failure to list all consideration as required by 11 (b). We have no argument with these recommendations and suggest also the possibility of a "trafficking" provision in the criminal code.

Sec. 12 This section follows the present law, except that the last sentence has been added. At the outset it might be noted that use of the term "birth parents" rather than "genetic parents" would appear to be consistent with the determination of the interim committee.

Apparently, there is not uniform treatment across the state as to whom the courts deem "parties in interest" who have a right of access to court files and records without an express court order. The new sentence would codify the practice in many courts that birth parents are not "parties in interest" once a decree of adoption is entered and was intended to promote integrity and security from intrusion for the adoptive family. However, from the testimony before the Senate Committee it appears birth parents are deemed "parties in interest" by at least one court and do have access to the court records and files. Additionally, local practices may vary as to whether the adoptee, upon obtaining adulthood, is deemed a "party in interest". This issue is not expressly addressed by section 12.

Who should have access to court records and files in adoption cases is, of course, a matter for legislative determination. In determining this issue it might be helpful to be aware of the policy of SRS in this area. If a birth parent wishing to exchange information with an adoptee contacts SRS, SRS will make some efforts to contact the adoptee, if now an adult, or the adoptive parents, if the adoptee is a minor, and will follow the

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instructions of the adoptee or adoptive parents in regard to exchanging information with the birth parent. If the birth parent contacts SRS with what is deemed a compelling reason to exchange information with the adoptee (such as important medical information), SRS will go to greater lengths to see the contact is made with the adoptee or adoptive parents. However, it should be noted SRS does not have staff regularly assigned to carry out this function. On the other hand, SRS will provide an adult adoptee with whatever information SRS has concerning the adoption and the birth parents.

Sec. 13 The prohibitions on advertisements in connection with adoptions contained in section 13 are the same as current K.S.A. 65-509 with the exception that the exemption for advertisements relating to surrogate mothers has been deleted. Life Choice Ministries and their attorney, Mr. Vincent, suggest an exemption for charitable, religious or nonprofit organizations. To the extent the activities of such organizations would violate section 13, they are in violation of current law.

Sec. 14 Section 14 relates to relinquishments to agencies and continues the requirement found in current law for agency acceptance of a relinquishment in writing. The testimony from SRS noted the Supreme Court opinion in In re A. W., 241 Kan. 810 (1987) where the court indicated SRS may not arbitrarily refuse to accept a relinquishment. SRS is concerned with situations in which courts have taken relinquishments from parents desiring to free themselves of responsibility for older youths and suggested an amendment to strengthen the requirement for acceptance by the agency before a relinquishment is effective. The Family Law Committee agrees with the basic position of SRS that, absent an arbitrary refusal, acceptance by the agency is required for a relinquishment to be effective. However, the Family Law Committee concluded the language in the present law and that contained in section 14(a) of SB 431 achieve this result.

The last sentence of 14(d) indicates that when one parent relinquishes with the belief the other parent will also relinquish and the other parent does not, the parental rights of the relinquishing parent are not terminated. Judge Mikesic questioned why this same policy is not applied to consents to adoption. Under the proposal (and under current K.S.A. 38-128) the execution and the acceptance of a relinquishment results in a termination of parental rights. Execution of a consent to adoption does not terminate parental rights. Parental rights are terminated upon the decree of adoption. Kansas case law recognizes that a consent

is binding only between the consenting parent and the prospective adoptive parents and is not binding on the consenting parent in a custody dispute between the natural parents. Treiber v. Stong, 5 Kan.App.2d 392 (1980).

Sec. 16 Section 16(a) and (b) would allow resident petitioners a choice of venue either where the petitioners reside or where the child to be adopted resides. Under current 59-2203, venue is in the county where Kansas petitioners reside. Judge Mikesic questioned the new policy and suggested it is more important for the court to be involved where the child will live instead of where the child has been. The Family Law Committee saw no reason to deny Kansas petitioners a choice of venue and saw no problems with the court reviewing a home study completed in another county of the state.

As to subsection (b), Kansas Children's Service League noted that current law allows venue to be in the county in which the child-placing agency is located if the petitioners are nonresidents. Under the proposal, in an agency adoption venue can be in the county in which the petitioner resides or in the county in which the child resided prior to receipt of custody by the agency. Regardless of whether or not an agency was involved, the Family Law Committee wanted to insure an appropriate contact with the state. However, as long as the child resided in Kansas prior to receipt of custody by the agency, there appears to be no objection to KCSL's suggestion that venue be allowed where the agency is located.

Sec. 17 Judge Mikesic suggested adding a provision that "The clerk shall not accept the petition for filing unless all requirements of section 17 are complied with by counsel." It seems questionable to place a duty on the clerk to review the sufficiency of adoption petitions.

Sections 19(a), 21(b) & (f) Judge Mikesic suggested amending these subsections to require petitioners to file two copies of items which the court must provide to SRS. The provisions in section 21 relate to the assessment by the social worker. Under the proposal, the clerk of the court would no longer be required to provide SRS with a copy of the assessment. In any event, many courts find it simpler and faster to copy material that is sent to SRS than to obtain another copy from the attorney for the petitioners.

Sec. 19 Among other things, section 19 follows the present law in requiring the filing of a complete written genetic, medical and social history of the child and the parents with the petition in an independent or agency adoption. The section requires that this history be completed on

forms provided by the secretary of SRS. Furthermore, it continues the requirement that the secretary adopt rules and regulations establishing procedures for updating a child's history if new information becomes known at a later date. Ms. Breymer-Archer questions the fact that the language does not provide for updating the parents' history as well as the child's. She also suggests that the duty to explain the procedure for updating such information to birth parents be placed on the attorney for the petitioner rather than on the social worker who completes the assessment for the court. In this regard it should be noted that the SRS forms (a copy of which is given to each birth parent) contain a statement under the genetic, medical and social history of each parent that if at any time in the future the parent becomes aware of any factors or conditions which might affect the health, development or physical condition of the child or the child's offspring, the parent may notify in writing the office of Youth Services at the indicated address. By regulation, (KAR 30-45-4), SRS also requires the person filing the adoption petition (generally, the attorney for the petitioners) to provide written notification to the birth parents of the process for notifying SRS of any new genetic or medical information which might affect the child and to advise the adoptive family in writing that genetic and medical information is permanently filed with SRS. Apparently, there is a dual requirement in regard to notifying a birth parent of the ability to update genetic and medical information. The social worker completing the assessment has such a duty by statute and the attorney for the petitioners has such a duty by SRS regulation.

Sec. 22 Section 22(b) would require notice of the hearing in independent and stepparent adoptions to the parents or presumed parents, unless parental rights have been previously terminated. Under subsection (c), notice to parents who have relinquished is not given in an agency adoption. Under existing law, notice is required to be given to all interested parties, "but not including parents whose parental rights have been terminated or parents who have voluntarily relinquished the child for the purpose of adoption." Existing law contemplates that parents can waive notice of the hearing. Three persons provided written testimony to the Senate Committee suggesting there should be a provision allowing birth parents to waive notice of the hearing on the petition. The suggestion is prompted by concerns for confidentiality and the desire of many birth parents to put the matter behind them. The Family Law Committee was concerned with a procedure which would not give notice to a consenting party of the hearing at which the party could raise any issue as to the free and voluntary nature of the consent. If

there is such an issue it should be raised at the hearing. A waiver of notice contained in the consent or executed at the same time would seem to be subject to the same arguments as to whether or not it was freely and voluntarily given. In regard to the issue of confidentiality, perhaps consideration should be given to a provision indicating a copy of the petition shall not accompany the notice to the parent.

Sec. 25 Section 25 replaces K.S.A. 38-1129 and relates to proceedings to determine the necessity for a consent to adoption or relinquishment from a parent (generally the father). When a father or alleged father appears and asserts parental rights, subsection (h) sets out seven grounds for termination of such a father's parental rights. One of the grounds is "The birth of the child was the result of rape of the mother." Ms. Breymer-Archer suggests the term "rape" should be clarified as to whether it means an allegation of rape, a filed police report charging rape or an actual conviction of rape. We would only note that this ground has been in the law for some time and is virtually always coupled with some other ground or grounds for termination.

Concerns were also raised in regard to expansion of the rights of unwed fathers under this section. The proposal does depart from present K.S.A. 38-1129 in subsection (h) by providing for the appointment of counsel for a father who appears and asserts parental rights but is indigent. Subsection (h) would also require that termination of parental rights be based on clear and convincing evidence. The Family Law Committee believed these provisions are consistent with Kansas case law reflecting the parental preference rule and provisions of the code for care of children for appointment of counsel for indigent parents and termination of parental rights upon a finding of unfitness by clear and convincing evidence. We recall the Family Law Committee was also concerned with ensuring proceedings under this section are as safe as possible from subsequent collateral attacks.

Location of Act Judge Mikesic suggests the act be placed in Chapter 38 since it relates mainly to children, rather than Chapter 59. The Family Law Committee has generally viewed Chapter 59 as appropriate, mainly for historical reasons since the primary adoption provisions have traditionally been located there. If the act is placed outside Chapter 59, provisions on docket fees (present K.S.A. 59-104) and appeals (present K.S.A. 59-2401) should probably be added.

In addition to the testimony received at the February 5 hearing, Chairman Winter was provided with an extensive memorandum from Professor Joan Hollinger, University of Detroit School of Law, on the provisions of SB 431. Professor Hollinger obviously has considerable expertise in the area of adoption law and serves as reporter for the National Conference of Commissioners on Uniform State Laws Committee which is charged with drafting a uniform adoption act. Again, much of the Professor's commentary is directed towards existing law in Kansas which would be continued by SB 431.

Placement. The Professor suggests it would be helpful to add a section indicating what "placement" means, and which people or entities are entitled to place children for adoption. Apparently, the purpose of such a section would be to provide some regulation of the manner in which parties find one another and reach some kind of agreement or understanding prior to the filing of an adoption petition. For the most part, other than limitations on advertising and the requirement for court approval of any consideration in connection with an adoption, Kansas law does not address this prefiling stage. We are not aware of the extent of any abuses occurring at this stage of the process and, consequently, are uncertain whether regulation is necessary or justified.

Advertising. In reference to section 13, the Professor asks whether the intention is to prohibit all advertising in connection with adoptions except for ads by licensed child-placing agencies. This is the intention and section 13 continues the policy presently contained in K.S.A. 65-509.

Fees & charges. Section 11 essentially leaves unchanged the types of fees and charges that are appropriate in connection with an adoption proceeding. The Professor lists several types of fees she would include under the statute and also favors spelling out the kinds of fees adoption agencies can charge. We believe the specific fees listed by the Professor are covered by existing language which is retained in §11(a)(1) and (3). In regard to agency fees, agencies can and do charge for the items mentioned by the Professor. Courts often require itemization of agency fees in reviewing their reasonableness. It is our understanding some agencies use sliding-scale fees and others base fees on average costs.

Pre-placement procedures or assessments. The Professor asks whether section 21 is intended to address post-placement assessment. Actually, section 21 addresses the complete assessment, including the parts that can be done pre-placement and those that can't be completed until post-placement. Section 21 essentially continues the requirements in regard to assessments contained in present K.S.A. 59-2278. However, section 20 adds the general requirement for a pre-placement assessment before obtaining a

temporary custody order. (An exception to a pre-placement assessment is allowed, but only following an evidentiary hearing which shall include testimony by the petitioners.) SB 431 contemplates that in an independent adoption, "placement" will not occur until the adoption petition is filed and a temporary custody order is issued based on a pre-placement assessment. Much of the assessment could be completed prior to filing of the petition and placement of the child, however, observation of the child in the petitioners' home will have to occur subsequently and the pre-placement assessment could then be supplemented to provide the completed assessment required to be filed 10 days before the hearing. The answer to the Professor's question whether temporary custody orders are made before placement, or after the petition is filed, is that such orders are made both after the petition is filed and before placement in an independent adoption.

Consents and relinquishments. The professor suggests consents and relinquishments should be irrevocable unless it is shown such an instrument "was obtained by fraud or coercion" as opposed to showing it was not freely or voluntarily given. SB 431 continues the "free or voluntary" language of present law which would appear to be broader than "obtained by fraud or coercion."

The Professor questions allowing a consent or relinquishment to be executed before a notary and contends the sample consent and relinquishment forms in section 32 are too skimpy and do not fully apprise the parent or guardian of what is happening. At the outset it should be noted current law allows execution of the instrument before a notary. Requiring that such instruments all be executed before a judge will work a hardship in many cases since a judge may not be available for such a purpose for a number of days and will likely require the person executing the instrument to appear in court rather going to the hospital or wherever the person is. As to the contents of the forms, the Family Law Committee was interested in developing understandable and as uncomplicated forms as possible and avoiding legalese.

The Professor's comment to section 4(b) is evidence of its ambiguity. The intent of the Family Law Committee was that consents should not be more than 6 months old at the time of filing. The language apparently needs to be clarified.

The Professor suggests the waiting period before a consent or relinquishment can be executed should be 48 to 72 hours after birth. The Family Law Committee suggested 24 hours, the Interim Committee shortened it to 12 hours.

Dispensing with need for consent. The Professor suggests a procedure for dispensing with the need for consent from the agency where it is withheld arbitrarily or contrary to the best interests of the child. Such a procedure would be new to Kansas law. We are not aware of any controversy or litigation in this area.

Effect of consent or relinquishment. The Professor raises questions concerning when parental rights are terminated in connection with a relinquishment or adoption and what effect this has on rights or potential claims of the child. Parental rights would be terminated upon execution of a relinquishment and acceptance by the agency. Parental rights of a parent consenting to adoption are terminated upon the decree of adoption. An adopted child retains inheritance rights from a birth parent. As to wrongful death actions, such a child would be an heir at law but may or may not have suffered a loss which can be compensated under K.S.A. 60-1901, et. seq. Child support arrears would have the status of final judgments.

As to placements by an agency where the mother has relinquished contingent upon the father's rights being terminated, it is our understanding agencies do make "at risk" placements in such situations.

Jurisdiction. The Family Law Committee recommended that either the petitioners for adoption or the child be a resident of Kansas for jurisdiction to exist in this state. Section 17(a)(1)(F) continues the requirement from present law that the petition contain the information required by the uniform child custody jurisdiction act under K.S.A. 38-1309.

Venue. As mentioned in regard to the testimony from Kansas Children's Service League, there would appear to be no objection to allowing venue where the agency is located and the petitioners are nonresidents if the child was a resident of Kansas prior to receipt of custody by the agency.

Adoption decree. In regard to §23, which follows current 59-2278(f), the Professor questions what standard the court is to apply in reviewing the evidence and determining whether to grant an adoption. In <u>In re Adoption of Chance</u>, 4 Kan App. 2d 576, 584 (1980), the Court of Appeals stated, "The purpose of our adoption statutes as applied to minor children is to provide for the welfare of such children, and the statutes should be liberally construed to effect that purpose."

Consequences of adoption. The Professor questions whether it was intended to allow the adopted child to continue to inherit from or through birth parents. It was so intended and this is a continuation of existing Kansas law.

Termination of parental, and especially of father's rights. The Professor views section 25(c) as "too solicitous" of the interests of possible fathers who are unknown or whose whereabouts are unknown. She does not believe it is constitutionally necessary or

sensible to give notice by publication to such men. Present K.S.A. 38-1129, which section 25 replaces, provides, "If no person has been identified as the father or a possible father, the court shall order publication notice of the hearing as deemed appropriate." The Professor also questions the appointment and role of an attorney to represent such fathers. The primary role of such an attorney is to review the affidavits that have been submitted and try to identify or locate the father, at which they are sometimes successful.

Adult adoptions. The Professor suggests notifying the spouse or children of an adult adoptee as well as the adoptee's parents. Even though the consent of an adult adoptee's parent, spouse or child is not required and they would have no defenses to assert at the hearing, the Family Law Committee recommended notice, either of the hearing or the completed adoption, to a parent since the parent may have an ongoing child support obligation and the adoptee could still inherit from such parent absent a contrary testamentary instrument. Admittedly, even though the legal relationship of a spouse or child to the adult adoptee is not changed by the adoption, it may have some bearing on the relationship.

Adoption of foreign-born children, and of special needs children. We're not sure what specific provisions the Professor is suggesting, but procedurally such adoptions would appear to be the same. Perhaps, she is not aware of such provisions as those for payments in connection with hard-to-place children contained elsewhere in Kansas law. (K.S.A. 38-319, et. seq.).

Adoption records. In answer to the Professor's question, an adoptee age 18 or older is entitled to his or her original birth certificate with the names of the birth parent or parents under K.S.A. 65-2423. For a further discussion of disclosure of court records and files, see the earlier commentary in this memorandum in regard to section 12.