Testimony of Deborah J Snapp, LBSW
Regarding HB 2481
Senate Committee on the Judiciary
March 15, 2018

My name is Deborah J Snapp. I am the Executive Director of Catholic Charities of Southwest Kansas in Dodge City. We are a licensed Child Placing Agency through the Kansas Department of Children and Families. We have been placing children for adoption since 1965. We have placed children from state custody who have been abused and neglected and we have placed infants in private agency adoptions. I personally have been involved in the practice of adoption for more than 25 years.

As a Licensed Child Placing Agency we are responsible to make sure the adoptions we facilitate meet licensing regulations as well as the requirements of the Adoption and Relinquishment Act. The proposed amendments to the Act are worthy of some consideration and discussion. I welcome the review by this committee on an issue that affects the lives of many families and children in Kansas.

HB 2481 seems to be an attempt to resolve inconsistencies and ambiguities in the current Act, while streamlining or fast-tracking the process of legalizing an adoption. The proposed amendments create and renew concerns which have been evident to our agency for many years.

My first set of concerns are related to the efforts to speed up or “fast track” the process of legalization. Kansas currently has a very short (12 hour) minimum waiting time between birth and consent or relinquishment. Many states have a much longer period.

This has resulted in the possibility of a petition to adopt being filed 13 hours after birth. In 2014, the Act was amended to remove the previous requirement that the hearing on the adoption be held no earlier than 30 days from the petition, but the requirement that a home study be filed 10 days prior to the hearing remained. The proposed amendments would eliminate the 10-day home study requirement. This means that an adoption with consents or relinquishments in place could be filed and finalized 13 hours from birth, with no real opportunity for the District or Magistrate Judge to review the adoptive family or the best interests of all parties, including the child. Further, the proposed amendments shorten the notice time for a non-consenting parent to a minimum of 10 days. An impending adoption of one's child is a very serious matter. An ordinary civil action requires 21 days' notice to a defendant. 10 days gives very little time for a party to seek counsel or to arrange for payment for legal representation.

I have a second set of concerns over the efforts to minimize the rights of a birth father. The proposed amendments now allow a father to consent to an adoption prior to the birth of a child, reversing years of public policy prohibiting consent before birth. We often see attitudes of the birth parents evolve and change during a pregnancy and especially after birth. Is it sound public policy to allow an irrevocable decision to be made before birth? Further, the standards for allowing involuntary termination of a father's right have been significantly modified. In the amendments, a birth father must show specific, substantial and sustained support to the birth mother or child. If this burden is not met the court can terminate his rights. This unfairly discriminates against low income or young birth fathers. All adoption workers know that access to infant children is controlled to a large degree by money. Birth mothers can ask for and receive

thousands of dollars in living allowance from adoptive parents, particularly in an independent adoption controlled by attorneys, or “facilitators”. To require a birth father to provide significant and sustained support while allowing birth mothers to profit from signing up with third parties in order to place the child is not fair to birth fathers. When these changes are coupled with the proposed 10-day minimum notice requirement to fathers, we see that the new amendments do not promote or even respect the interests of birth fathers.

A third set of concerns is based on the continuing effort by independent adoption practitioners to lower barriers for adoption, and thereby diminish deliberative adoption practices that should consider the best interests of all parties.

The amendments would allow any adoptive parent or attorney to offer to adopt or find an adoptive home as an inducement to put a birth mother in their home, institution or establishment. This would permit unregulated and unlicensed maternity homes by independent practitioners.

The amendments also allow adoptions to be filed without medical records if there is a release on file to obtain them. These records can be very important to adult adoptees. I doubt that these records will be available when an adoptee may want to review them many years down the road. The motive for such an amendment would again seem to be speed.

The amendments seem to restrict access to all files and records both before and after the adoption hearing except by order of the court. Records under the existing Act are open to parties in interest. These restrictions on access to records inhibit due process for contesting birth parents.

The overall effect of the proposed amendments simply promotes the interests of adoptive parents and fee-based practitioners over the interests of all parties to the adoption process. The Act even eliminates the requirement that the best interest of a child be considered, replacing it with a phrase that "relevant circumstances' should be considered. The effort to increase speed substantially diminishes the roles of birth parents and the court system. Independent adoption practitioners are favored under the new amendments. Adoption agencies are disfavored because they remain bound by regulations which apply to licensed child care placing agencies. They cannot consent to an adoption without two post placement visits, creating a significant waiting time for finalization. Independent adoptive parents, attorneys or practitioners can pay for access to infant children and file and finalize immediately after birth without meaningful supervision or court review. I question whether this is sound public policy.

While the technical amendments to the act may have merit, the efforts to diminish traditional agency adoption and diminish due process and the role of courts should be rejected.