



January 29, 2020

The Honorable Fred Patton  
Chairman, Kansas House Judiciary Committee  
Kansas State Capitol  
300 SW 10th Ave.  
Topeka, Kansas 66612

*Re: Testimony in Support of HB 2333*

Dear Honorable Chairperson Patton and Committee members:

**The Adoptee Rights Campaign testifies in strong support of HB 2333, which allows a court to make a finding that a final decree of adoption take effect at an earlier date.**

The Adoptee Rights Campaign, also known as “ARC”, is comprised of a diverse group of intercountry adoptees and allies striving to educate, organize and protect the rights of adopted children of American families. We are comprised of adopted children of U.S. citizen parents, members of civil rights organizations with a long-standing interest and knowledge in the adoptive parent-child relationship, and immigration and adoption attorneys throughout the United States. ARC works to ensure that all intercountry adoptees have the citizenship they should have received when adopted into American families.

**ARC has advocated in strong support of Lieutenant Colonel Patrick Schreiber and his family because bureaucratic technicalities *should not* create barriers or obstacles that prevent a legitimated American family to stay together as a family in the United States.** Tragically, an estimated 35,000 adopted children of U.S. citizen parents encounter precarious status and live in fear – actual cases may be even higher.

All-American Children of U.S. military families should be treated fairly and justly.

Since the 1950s, thousands of orphaned children have been brought to the U.S. as adopted children of U.S. citizen parents. These children attend American schools, often speak English as their native language, and only know friends and family in the United States. Many of the adoptees were adopted by our U.S. armed service members and U.S. citizen families; many faced significant trauma from being abandoned.

Currently, bureaucratic technicalities and challenges harshly and unjustly render adopted children with significant difficulties in accessing driver’s licenses, work permits, health care, the basic right to stay in the United States, and so much more. And yet, adoptees are a discrete and insular minority, who often lack resources or power to advocate for their rights, both as minors and then as adults.

Today’s HB 2333 allows for the “best interest of a child” and the basic tenets of preserving a family unit, the significant ties between parent and child, and access to basic human rights.



Adoption statutes should treat American families fairly and justly because:

- Adoptees have grown up in the United States and have built their lives and families in America.
- Adoptees have entered the United States lawfully and transparently through legal adoption processes, and current bureaucratic gaps or errors have resulted in illogical and cruel results.
- Adoptees have been raised in the United States by American families, and in every sense, deserve the fairness and rights of this country.
- Adopted children contribute substantially to our society, often serving to protect our nation, and adopted children of U.S. citizen parents should be treated the same as their biological siblings.
- It is in the interest of the United States and the great state of Kansas to preserve family unity and avoid uprooting people who have given their lives and defended this nation.

HB 2333 allows a court of law to apply a legal remedy to prevent inequity or injustice.

**Today's bill allows a court to protect the best interest of the child and uphold American values by fixing errors that lead to absurd results.** In Kansas, there's a long-standing policy to treat adopted children as "legitimated" or in other words, the same as those of biological siblings.

*Nunc pro tunc* statutes like HB 2333 are established to promote family unity and fairness. The concept of *nunc pro tunc*, a Latin term for "now for then", serves as a remedy that allows for the changing back to an earlier date of an order, judgement or filing of a document as a remedy to prevent inequity or injustice. For instance, under California Family Code §2346, applicants whose rights are threatened by an unforeseen or unavoidable delay may apply for relief under the court's authority to grant the remedy based on the specific facts. Throughout the United States, courts and agencies are authorized to approve a late filed request or grant a judgement based on facts and extenuating circumstances to avoid injustice and correct errors in recording a previous decision.

**Families who endeavor to act correctly should not face irreparable harm and grievous penalties for the mistakes, delays or errors of adoption agencies, attorneys, or government entities.** Legislative and administrative policies such as HB 2333 should protect the rights and privileges of international adoptees, as well as preserve our commitment to American values, core concepts of family, and fundamental human rights.

Accordingly, we strongly urge this legislative body to support HB 2333, which allows a court to rule in the best interest of the child and authorize a final decree of adoption take effect at an earlier date.

Your time and efforts are appreciated.

Respectfully yours,

A handwritten signature in black ink that reads "Emily Howe".

Emily Howe, Esq.  
7710 Balboa Avenue, Suite 325  
San Diego, CA 92111

Cc: Joy Alessi, Director