

To: Honorable members of Senate Judiciary Committee, comments re: 3/31/22 testimonies

THE STATE PROTECTING BIRTHPARENTS

1. The big question is: WHY MANDATE THE NON-DISCLOSURE RULE FOR ****ALL**** VT ADOPTEES FOR THE SAKE OF 'protecting' the **"less than 12 PEOPLE"** WHO HAVE FILED FOR NON-DISCLOSURE IN THE PAST **25 YEARS** [testimony of VAN WAGNER OF LUND]?? In the VT-COW survey only 1 birthmother in 127 respondents supported anonymity - that equals .78%. The numbers don't justify penalizing the whole for the sake of the few! Should the State, year-in and year-out, maintain a complex bureaucracy for the sake of the needs of 12 or so women? NO! It's not cost-effective.
2. Problem vs Solution
 - The 'problem' as stated by Van Wagner of Lund: "Fewer than 12 women in the past 25 years" have filed for non-disclosure and *we must respect their wishes*.
 - The "solution" as proposed by Van Wagner: Saddle ALL VT ADOPTEES [tens of thousands of them!] with the extra 'hoop' of determining if a non-disclosure was filed, IN ORDER TO GET ANY IDENTIFYING INFORMATION on their birth certificates – because 12 [twelve!] women didn't want contact! Because this requirement could potentially affect ANY VT adoptee, it adversely must affect EVERY adoptee! Just imagine if, through NO FAULT OF YOUR OWN, you're one of the "unlucky ones" who is barred from getting un-redacted access to your OBC while all other adoptees can have that information. Does that feel good? It makes applying for your birth information like buying a [reverse] lottery ticket - if you're one of the unlucky ones you can't get the info! But everyone else can! No equal treatment under law for you!
3. Life is not static. Time rolls on, people and situations change. The desperate state of needing "protection" from 'exposure' at relinquishment will not likely exist when the adoptee searches 20, 40, or 60 years later! By then, the birthparent has likely 'moved on' and is no longer in crisis. If protection is indeed initially warranted, the state might offer it for some finite period of time – say, 1 or 5 years at most. *Even RESTRAINING ORDERS in VT are granted for only 1 year at a time!* How can the state realistically promise to protect the mother **forever**? And why should it? Adoptees don't usually search till they're over 18 anyway, so the birthmother is automatically protected during that period, which should be more than ample time.
4. It would be important to ask Ms. Barquist HOW MANY many birthmothers have actually requested protection from their children over the years? It's easy to fall into the habit of giving voice to the HYPOTHETICAL birthmother when discussing these issues. But statistics matter when making policy.
5. In general, it's ludicrous for the State to promise anyone 'protection' forever – especially since we have such easy access to technology that routinely circumvents such protection. Promising protection puts an undue and unrealistic burden on the State [ie, the Department/ Registry and the courts] in ANY case.

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6. DOES THE PROPOSED RESTRICTION ON NON-CONTACT APPLY ONLY TO THE ADOPTEE? OR DOES IT BAR CONTACT BY THE ADOPTIVE PARENTS AS WELL? What if the adoptive parents want contact in order to help raise their child? Would the state disallow that?

THIRD PARTY CONTRACTS

1. Adoptees, for decades, have railed about the fundamental ILLEGALITY of any agreement made on their behalf between two other parties [birthparents and adoptive parents or agency] without their permission. This rubric has become so cliché as to be meaningless and is never taken seriously enough. I beg you to take it seriously! If this odious practice still goes on today, it must stop!!! And honoring 'agreements' of this kind must end!! This illegal 'agreement' forms the seed of the child's adoptive life and defines his reality. The unwitting 'victim' of the agreement is cast as 'unimportant' or simply 'nonexistent' all his life. It leaves a mark. A law must expressly bar this egregious practice entirely. But I'd be happy just to see H.629 undo all the harmful effects of it – namely unsealing ALL adoptees' identities. Adults simply cannot sign away the rights of an 'incompetent' child forever – adoptees eventually become adults!

Sen. Bareuth asked: How did agencies come to have to 'protect' birthparents?

It's worth repeating that adoption agencies never protected birthparents with the promise of secrecy. Agencies protected adoptive parents. Birthparents were forced to explicitly promise, when they signed their relinquishment papers, to never ever contact the adopting family, lest they 'disrupt' the bonding in the new family. This was the ONLY tangible promise the birthparent was involved in. In return, the birthmother WAS NOT PROMISED ANYTHING OTHER THAN THE [HOPEFULLY] THE HUMANE PLACEMENT OF HER CHILD. *Beyond that, the agency owed the birthmother nothing.*

Setting the record straight

Ms. Van Wagner of the Lund Home spoke eloquently about the enlightened role Lund presently plays in adoption. This new iteration has been in effect for only 30 years - since around 1990. But for the preceding 100 years, Lund's practice as an unwed mothers' home was not so enlightened. Ms. Van Wagner did in fact testify to that. The Lund Home routinely forced birthmothers to sign relinquishment agreements promising not to look for their children or contact the new family – as a condition of placing the child [samples of this are available on request]. Later, when it became convenient for Lund to protect its own interests and reputation by placing a shroud of secrecy around its practices, the rhetoric became that birthmothers demanded and agencies PROMISED them secrecy! Not true!

Birthmothers in crisis, adoptees in crisis, adoptive parents in crisis

There is no doubt a birthmother dealing with an unwanted pregnancy, relinquishment, and possible adoption is in crisis, and that violence may play into the mix. But adoptees also have their emotional crosses to bear. This should not be underestimated. Even in the best adoptive homes adoptees can feel alienated, rejected by their birthparents, and disenfranchised. Adoptees often have trouble with caring relationships and trust. Their fear of abandonment can lead them into risky life situations. Layered on that, if during a search for their birthparents, adoptees get rejected by the toxic environment of sealed records, they often suffer

additional severe emotional issues – depression, suicidal wishes, breakdown, inability to function – equivalent in severity to what their birthmothers experienced when relinquishing. The process of adopting, for the adoptive parents, is a nothing short of trial by fire. It's naïve to think anyone gets out of adoption without paying their emotional dues in one way or another. It's just the nature of the beast. But it's a level playing field. The birthmother merits no special treatment for her pain; she has no privileged monopoly on emotional upheaval. Adoptees and adoptive parents each pay their price as well. Thus each triad member must have all the respect the law can grant them. The excuse "I was in pain emotionally" is no justification for preferential treatment by law.

Please keep these items in mind as you consider the final form of H.629.

Thank you,
Respectfully,

Marge Garfield, adoptee; Co-Chair, VT Adoption Reform Task Force (of early 1990s)
E Calais, VT