

Exhibit No. 3
Date: 3/11/15
Bill No. HB 397

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Members of the Senate Judiciary Committee:

I am a district court standing master in the Fourth Judicial District. A great deal of my work involves family law. However, the views I present today are entirely my own. As well, I am not on work time today.

I urge your support of House Bill 397. This bill would permit most¹ adult adoptees to obtain a copy of their original birth certificate without a court order and thus learn the identity of their birth parents.

We all search for meaning in our lives. Part of that meaning includes discovering who we are. To permit adult adoptees to obtain information about their birth parents aids in that discovery. Nor does it diminish the important role their adoptive family has had in their lives; it simply enlarges the picture.

Historically, lifelong secrecy has not been an essential component of adoption. In the early twentieth century, when most of our current adoption laws were enacted, a distinction existed between closing adoption records to the public which became the

¹ The bill modifies a limited exception in existing law allowing a parent to request in writing that a birth certificate not be released without a court order to adult adoptees born after October 1, 1997. Under the bill, the parent can withdraw that request at any time.

law in almost all states and closing records to adult adoptees, which as recently as 1960 was the law in only 30 states. The rationale for closing adoption records to the public has been to reassure adoptive parents that birth parents will not be able to involve themselves in any way in the lives of the adoptive family. As well, birth parents often seek confidentiality in what is a very personal decision. This bill will not open up closed adoption records to the general public or open them up to adoptees before they become adults. Further it will not open up closed adoption records without a court Order when birth parents have so requested. As amended, the bill adds an option for birth parents who originally indicated that they did not want adoptees to obtain a birth certificate without a court Order. That is, to change their mind about that decision as any time. I anticipate some parents will do so.

I am not insensitive to the complexity and difficulty birth parents face when they decide to relinquish their child for a closed adoption. But eighteen years is a long time in our lives. Circumstances change. Birth parents may eventually welcome contact with their children and, especially, may welcome the news that their lives have turned out as well as the birth parents hoped.

Thank you very much for your consideration.

Sincerely,

Brenda C. Desmond