



March 10, 2022

The Honorable Greg Chaney
Committee on Judiciary, Rules and Administration
Idaho House of Representatives
P.O. Box 83720
Boise, ID 83720

RE: No Vote on SB1320

Dear Chairman Chaney and Members of the Committee:

I am the executive director of Adoptees United Inc., a national nonprofit organization dedicated to equality for all adopted people, and an attorney and the founder of Adoptee Rights Law Center, a law firm where I represent adult adopted people. I am considered a national expert on issues related to adult adopted people and their rights to identity, heritage, and citizenship. I write to you personally and in my capacity as an attorney. I am asking that you do not report SB1320 favorably out of committee.

SB1320 is deeply flawed legislation that has internal inconsistencies, is overly complex, misunderstands the purpose of adoption registries, and nonsensically applies to intercountry adoption. It is also a “kick the can down the road” bill, with no realistic impact on adopted people until the late 2030s and into the 2040s.

At its core, SB1320 circumvents an adopted person’s right to request his or her own birth record from the Idaho Department of Health, a right enjoyed by adoptees in ten other states, including Alabama, Maine, Oregon, and Kansas. Instead, SB1320 requires the use of Idaho's Voluntary Adoption Registry, a complicated system that currently mandates matching between participants before any identifying information is released between parties, including the adoptee’s own birth record. If there is a “match” under this bill, a waiting or “cooling off” period goes into place, where a birthparent has the option to express a preference for contact with the adopted person or, if desired, to request redaction of information.

The primary substantive issues with this bill include:

- It is silent on what happens if a birthparent does not respond to a match or cannot be found (which is common) during the so-called 30-day "cooling off" period;
- It does not indicate what happens if the birthparent previously requested to be withdrawn from the adoption registry or if they already requested no information be released, even after their death;
- It does not address the issue of two birthparents listed on the birth record, as current Idaho law prohibits registry matching unless the other birthparent is deceased or has been found and consents to release of information;
- Finally, and alarmingly, Section 2 of the bill profoundly misunderstands the process and substance of intercountry adoptions but nevertheless requires intercountry adoptees (and their unknown foreign parents) to participate in Idaho's adoption registry in order to obtain an original birth record. This defies common sense. Intercountry adoptees do not have an original birth record on file in Boise—their original birth record is in their country of birth or, in some cases, filed with the US immigration system and available to them upon request. If an intercountry adoption is finalized in Idaho, the adoptive parents are issued a *certificate of foreign birth*, which is far different than a birth record issued to Idaho-born residents. Thus, including intercountry adoptees in a registry system to request an original birth record that doesn't exist in Idaho is baffling. Again, intercountry adoptees do not have an original birth record filed with the vital statistics office in Boise—intercountry adoptees were, by definition, born outside of the United States. Even more baffling, current law governing eligibility to participate in the registry itself explicitly applies ***only to adopted people born in Idaho, and this bill does not change that***. Thus, the bill attempts to make the adoption registry applicable to people who cannot by law use it.

For all of these reasons, I ask that the committee table this bill and do not report it out favorably. It is deeply flawed legislation that is internally inconsistent and has drafting and substantive issues that cannot be reconciled. I ask for your no vote when it comes before you.

Best regards,

ADOPTEE RIGHTS LAW CENTER PLLC



Gregory D. Luce