

Legislative History for Connecticut Act

HB 5735

PA 164

1974

Senate: P. 1580 - 1582

House: P. 3322 - 3373

Judiciary: P. 193 - 219

LAW/LEGISLATIVE REFERENCE  
DO NOT REMOVE FROM LIBRARY

82 pages

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate  
and House of Representatives Proceedings

Connecticut State Library  
Compiled 2015

S-102

CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
1974

VOL. 17  
PART 4  
1360-1817

Monday, April 29, 1974

54.

roc

Total Number Voting . . . . .	36
Necessary for Passage . . . . .	19
Those Voting Yea . . . . .	34
Those Voting Nay . . . . .	2
Those Absent and Not Voting . . . . .	0

THE BILL IS PASSED.

THE CLERK:

Page 23 of the Calendar. File 362. Substitute for House Bill 5735. AN ACT CONCERNING ADOPTION, as amended by House Amendment Schedule A. Favorable report of the Committee on Judiciary.

THE CHAIR:

Senator Guidera.

SENATOR GUIDERA: (26th)

Mr. President, I move acceptance of the Joint Committees favorable report and passage of the bill in concurrence with the House as amended by the House.

THE CHAIR:

Will you remark?

SENATOR GUIDERA:

Yes, Mr. President, last year, members of the circle will remember that we enacted a law which changed fundamentally the process of adoption in the State of Connecticut in the way adoptions are handled. House Bill 5735 or Substitute for House Bill 5735 makes no change in the basic process we established last year. However, bugs did develop in the bill which were not recognized at the time we passed it and like any major piece of legislation, they came to light from constituents, judges and

Monday, April 29, 1974

others of the Probate Court. The proposed changes which this bill represents to the adoption law if enacted will clarify some ambiguous passages in the law, make minor improvements in the adoption procedure and clear up some unintended inequities that have resulted from last year's act. First, the bill would eliminate difficulties being presently encountered by those who began but did not complete adoptions before the effective date of Public Act 156 of the 1973 session. In many cases, these adoptions have been delayed to the detriment to the children involved. I point you to section 15 of the bill which in essence provides for a grandfather clause that validates adoptions begun before October 1, 1973, the effective date of the public act, provided that those adoptions would have been valid if Public Act 156 had not been passed. To assure that the same problem does not arise next year, if this bill is passed, Section 15 also includes a grandfather clause to cover those adoptions begun but not completed before the passage of this bill. Last year's act also made it extremely difficult to adopt children from out of state or out of country. Section 7 of the bill clears up this problem by providing that a foreign or out-of-state child is available for adoption in Connecticut as long as an affidavit has been filed stating that under the laws of the child's former home jurisdiction, parental rights over that child have been terminated and the child is free for adoption. That's always been the law of the State of Connecticut and we wish to continue it. These two changes would solve the

roc

Monday, April 29, 1974

56.

major problems arising under last year's adoption act. The remainder of the bill consists of clarifications and a few minor procedural changes. And unless there is objection, Mr. President, I would move the matter to the Consent Calendar.

THE CHAIR:

Will you remark further? Senator Lieberman.

SENATOR LIEBERMAN: (10th)

Mr. President, not to object, I rise to support the bill and again to congratulate Senator Guidera and the leadership that he and the Judiciary Committee have shown in this area. I think it is a good bill and makes some necessary and humane changes. I do want to note for the record that every time this kind of bill has come up before and again this apparently happened in the House with this bill, some of us <sup>who</sup> were concerned about age discrimination in adoption proceedings have introduced an amendment to prohibit that form of discrimination. I am not going to do that today because I think it is pretty clear that those amendments reach an unhappy fate on the governor's desk and I don't want to jeopardize the substance of this bill in any way. I just want to say that it continues to be my opinion that in our adoption law we prohibit discrimination on the basis of other factors including marital status, for instance, that we ought to prohibit discrimination solely on the basis of age. I hope that someday we can all get together and see that that additional protection is part of our law. I want to take the unique opportunity at the direction of the distinguished majority leader to associate him with my remarks, at his request.

Monday, April 29, 1974

57.

roc

THE CHAIR:

Will you move the matter to the Consent Calendar while you are on your feet?

SENATOR LIEBERMAN:

So moved, Mr. President.

THE CHAIR:

Is there any objection? Hearing none, it is so ordered.

THE CLERK:

Returning to Page 2 of the Calendar. FAVORABLE REPORTS. Cal. 375, File 323, Senate Bill 356, AN ACT CONCERNING AGREEMENTS BETWEEN MUNICIPALITIES AND PROPERTY OWNERS FIXING ASSESSMENTS ON REAL PROPERTY OR AIR SPACE. Favorable report of the Committee on Finance.

THE CHAIR:

Senator DeNardis.

SENATOR DENARDIS: (34th)

Yes, Mr. President, I move that we Recommit this bill as we have reexamined the bill, I think that we have opened up the opportunity to contract and make agreements fixing assessments on real property and air space to a degree that may prove to be counterproductive and therefore, I am making a motion now to Recommit this to the Finance Committee for further study between now and the next session.

THE CHAIR:

The motion is to Recommit. Is there any objection?

H-152

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
1974

VOL. 17  
PART 7  
3285-3708

April 24, 1974

39  
psk

REP. DZIALO(33rd):

Mr. Speaker, I move suspension of the rules for transmittal to the Senate.

DEPUTY SPEAKER:

Question's on suspension for transmittal. No objection.  
So ordered.

THE CLERK:

Turning to your Calendar, bottom of Page 3, Calendar No. 527, File 362, Substitute House Bill 5735, An Act Concerning Adoption. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER:

Gentleman from the 147th.

REP. BINGHAM(147th):

Mr. Speaker, I move acceptance and passage of the Joint Committee's Favorable.

DEPUTY SPEAKER:

Question's on acceptance and passage. Will you remark.

REP. BINGHAM:

Yes, Mr. Speaker. Mr. Speaker, last year Public Act 73-

April 24, 1974

40  
psk

156, we passed a historic piece of legislation in the new adoption law. We found that there were some technical difficulties in the law, and because of those difficulties there was convened a committee of Probate Judges and through the sub-committee chaired by Representative Bard there was convened members of the Connecticut Probate Assembly, Welfare Department, private child placing agencies, the Juvenile Court, members of the Bar. And the Chief Probate Court Administrator. Now the bill before you still retains three major steps in the adoption process in the state of Connecticut. They are the termination of parental rights, the appointment of a statutory parent, and the adoption proceedings. Further, we have expanded the rights of the father of a child born out of wedlock if he meets certain conditions and it must be given notice and has a right to be heard. There is recognition of effective termination of parental rights, which have taken place outside of Connecticut or which have taken place in Connecticut prior to October 1st, 1973. This, as most Representatives know, was one of the major defects of the bill. The

April 24, 1974

41  
psk

law provides for an automatic transfer in contested termination case to the Juvenile Court from the Probate Court if a party to the action other than the petitioner so requests. The law continues notice and hearing requirements substantially the same as the law on adoption enacted last year. The bill permits the judge to terminate parental rights if he believes that no parent or child relationship exists. A statutory parent must be either the Welfare Commissioner or a child placing agency and the significant change is the proposal that we allow blood relatives to apply for adoption without using the statutory parent which was the case in the past. We have a grandfather clause which validates all adoptions started prior to October 1st, 1973, and validates adoption proceedings under 73-156 completed prior to the passage of this law, which should take care of all adoptions which began before the adoption of the law and after the adoption of the law. I have received a letter from the Chief Probate Court Administrator stating that he commends Representative Bard on his investigations in this bill and that

April 24, 1974

42  
psk

he as the Chief Probate Court Administrator can represent to this General Assembly that the Probate Court Assembly accepts this bill and they further feel that this is a major step in the improvement of some of the technical problems which we always have when there is a passage of a major piece of legislation. Now after explaining generally, Mr. Speaker, what the bill does, I understand that there are some amendments to the bill. I understand that Representative Neiditz has an amendment. I yield to Representative Neiditz.

DEPUTY SPEAKER:

Gentleman from the 18th.

REP. NEIDITZ(18th):

Mr. Speaker, the Clerk has an amendment.

DEPUTY SPEAKER:

The Clerk will please read the amendment.

REP. NEIDITZ:

Mr. Speaker, I think it might be more helpful if I could have permission to summarize the amendment, and I think I could give the sense of it to the House.

April 24, 1974

43  
psk

DEPUTY SPEAKER:

The Clerk----

THE CLERK:

I'm sorry. I see that there are two amendments to this bill, and the first one is Representative Pearson's amendment. Representative Pearson, do you have House A on this bill.

REP. PEARSON(121st):

Excuse me. Since you've already called Representative Neiditz's I would certainly yield to him for that to be amendment A.

THE CLERK:

I'll change yours to House Amendment A, Representative Neiditz.

REP. NEIDITZ:

I thank the lady from Stratford.

THE CLERK:

It's LCO No. 2260, House Amendment Schedule A to File 362.

April 24, 1974

44  
psk

DEPUTY SPEAKER:

Is there any objection to the gentleman from the 18th summarizing the amendment. Hearing none, the gentleman may summarize the amendment.

REP. NEIDITZ:

Mr. Speaker, under the present law, the present law reads no person other than the adopting parents or the child if over 18 years of age shall have access to such envelopes-- that's the envelopes regarding the adoption papers--on file except upon order of the Court of Probate rendering the decree. In other words, under the present law, the adopting parents or the adopted child upon reaching majority which is now 18, has an absolute right to the information-----

DEPUTY SPEAKER:

Give your attention to the gentleman from the 18th.

REP. NEIDITZ:

At the present time the adoptive parents or the adopted child at age 18 has an absolute right to this information. Now a case recently came to my attention in which an 18 year

April 24, 1974

45  
psk

old girl consulted an attorney regarding --well, she wished to know the identity of her natural parents. When she was told that the natural mother lived in the next community, was married, had three children of her own, and that she was, which she knew, was born out of wedlock and that this would have a very detrimental effect on the family she still wanted to pursue this. Now in the past the problem has been, occasional problem, of a natural parent, natural mother, wanting to know the identity of a child who has been adopted. Now that we've lowered the age of majority we do have teenagers who are angry at their parents for one reason or another, be they adopted or natural parents, and wish to seek the identity of the natural mother. What this amendment does, Mr. Speaker, is to say that the adopting parents or the child of over 18 may for cause shown, either ex parte or with such notice as the Probate Court deems advisable have access to these files. Now there can be a situation in which cause can be shown. For instance, if there is a rare blood type that the child has, and that only the natural mother may be a one in a hundred thousand

April 24, 1974

46  
psk

donors of such blood, certainly the Court would grant that approval. There are other cases, if the adoptive parents have died and the natural mother wishes to leave some property to her natural child, this might be another cause. But it should be very strict, Mr. Speaker. What I'm talking about has been written up in a two part series in the Hartford Times just last week on this problem, and it's clearly addressed in a book by Professor Joseph Goldstein and Albert Solnit of Yale and Anna Freud of the Hampstead Clinic in England, the book called Beyond the Best Interests of the Child. I think this is very important that this amendment is passed. I think that it will make a good bill even better. Thank you, Mr. Speaker.

DEPUTY SPEAKER:

Are there any further remarks. The gentleman from the 147th.

REP. BINGHAM(147th):

Mr. Speaker, I urge the adoption of the amendment.

DEPUTY SPEAKER:

April 24, 1974

47  
psk

Are there any further remarks on the amendment. If not, all those in favor of the adoption of the amendment signify by saying "aye". Opposed. The amendment's ADOPTED. The Clerk is in possession of House Amendment B.

THE CLERK:

House Amendment Schedule B offered by Representative Pearson of the 121st District, LCO No. 2743. In line 671, after the word "ststus" insert the words "or age".

DEPUTY SPEAKER:

The lady from the 121st.

REP. PEARSON(121st):

Mr. Speaker, I move adoption of the amendment.

DEPUTY SPEAKER:

Question's on the adoption of House Amendment B. Will you remark.

REP. PEARSON:

It's a very small amendment of a few words, and what it does is we've had with the present law that was passed in an era that I believe where the average age span was in

April 24, 1974

48  
psk

the forty year old bracket, but today it has been increased by more than twenty years, which makes our average life span in the middle sixties. People are staying younger today with increased leisure time and more outside interests. Our Connecticut laws, I believe, should compliment this fact and not automatically bar persons in their forties and fifties who are qualified and are willing to accept the responsibilities as well as the joys of being parents. We know of many young people who are old physically and older people who are young physically. The amendment is also meant to help those age 18, 19, and 20 who have now also been qualified by age. Hopefully, the passage of this amendment will not only benefit the parentless child who might spend its early and very important years in an institution deprived of love and warmth to which he is entitled, but it would also benefit the older would-be parent who would give the child the environment which it needs. I merely say that age should not be an automatic preventive to otherwise qualified persons from being considered as parents. We have before us a revision of the state

April 24, 1974

49  
psk

adoptive laws, and I believe this should be part of the bill. Mr. Speaker, I would request that the amendment be printed in the Journal, and that when the vote be taken it be by roll call.

DEPUTY SPEAKER:

Question's on a roll call vote. All those in favor of a roll call vote signify by saying "aye". All those in favor of a roll call vote signify by saying "aye". In the opinion of the Chair the necessary twenty per cent has answered in the affirmative. A roll call vote will be ordered. The Chair will note that the lady requested that this be printed in the Journal. The gentleman from the 147th.

REP. BINGHAM(147th):

Mr. Speaker, I rise to oppose the amendment. This amendment was introduced last year. It was debated at length last year. We voted last year to reject this amendment. Briefly, there is no prohibition or limitation in the present law to prohibit the adoption by persons over 45 years of age. However, as the members will remember last year the adopting

April 24, 1974

50  
psk

agencies, the Welfare Department, wished to keep the law the way it is. I see no purpose for the amendment, and I urge that it be defeated.

DEPUTY SPEAKER:

The gentleman from the 138th.

REP. BARD(138th):

Mr. Speaker, as Representative Bingham has pointed out, this amendment was presented last year and we rejected it. It is not a necessary amendment. Some of you may have heard of cases that have alleged to ---people have been alleged to have been turned down by the Welfare Department because of age. As I said last year at the time this amendment was presented, if they were turned down it was not because of age. They may have been told because of age, and I fault the Welfare Department if they do that. People apply, and are turned down should be told exactly why they're being turned down. This is an unnecessary amendment. There is no prohibition as regards the age of an applicant for adoption. We discussed this at length last year, and I believe, the previous year. I ask that this

April 24, 1974

51  
psk

amendment be rejected.

DEPUTY SPEAKER:

Representative Sullivan from the 124th.

REP. SULLIVAN(124th):

Mr. Speaker, through you, I'd like to propose a question to the proponent of the amendment. As I read this File and remember the debate from last year it is my imprecision that the in considering an adoption the questions that are considered in so far as the adopting parents are concerned are the marital status, difference in race, color, or religion. Those are the elements that are spelled out in line 671 and 672 of the statute now. Through you, Mr. Speaker, is that correct.

DEPUTY SPEAKER:

The lady from the 121st.

REP. PEARSON:

In reading lines 670 and 671 it does state that the Court of Probate shall not disapprove any adoption under this section solely--the word solely because of an adoptive parents marital status or because of a difference in race, color, or religion.

April 24, 1974

52  
psk

My answer would be yes.

DEPUTY SPEAKER:

Gentleman from the 124th.

REP. SULLIVAN:

If I may, sir. Based on that answer, then, another question to the lady from Stratford, through you.

DEPUTY SPEAKER:

Please state your question.

REP. SULLIVAN:

If this amendment is adopted, and the words or age are added, am I correct in assuming that if an eighty year old couple meets the qualifications that are presently spelled out in the bill that the Probate Court would have no discretion whatsoever in the adoption and would have to give a two year old child to these eighty year old parents for adoption.

DEPUTY SPEAKER:

Lady from the 121st care to respond.

REP. PEARSON:

Thank you, Mr. Speaker. I would assume that that would

April 24, 1974

53  
psk

be a ridiculous question and a ridiculous situation. I believe that the word solely is an important word here. Solely because of age. And I think that's where the emphasis is on.

DEPUTY SPEAKER:

Gentleman from the 124th.

REP. SULLIVAN:

Well, I would press, through you, Mr. Speaker, press my question.

DEPUTY SPEAKER:

Lady from the 121st.

REP. PEARSON:

Mr. Speaker, in answer, through you to the Representative. It does say the Court of Probate shall not disapprove any adoption under this section solely because of the particular areas that are listed in the bill. And, I would state that the word again solely is the key word which has been used in most all of our statutes regarding that. If the amendment would be adopted then the Welfare Department would not tell people they were refused solely because of age.

April 24, 1974

54  
psk

DEPUTY SPEAKER:

Gentleman from the 124th.

REP. SULLIVAN:

Mr. Speaker, commenting on the amendment, if I may.

DEPUTY SPEAKER:

Please clear the aisles. Give your attention to the gentleman from the 124th.

REP. SULLIVAN:

The question that I propounded to the lady from Stratford was not facetious, and I don't consider it ridiculous. It was propounded in all seriousness because we are considering today a very serious question. That is the question of adoption and the procedures involved in adoption. If this amendment is approved and added to the bill it removes from the Probate Court the discretion it must have in coming to a conclusion concerning something so important as adoption. And I don't think it's ridiculous to say that the situation I propounded could happen. And a Probate judge is then without recourse but must give a child an adoption under those circumstances. What we're concerned with is the welfare and well being of a child who is

April 24, 1974

55  
psk

going to be brought up by adoptive parents. And while an older couple may have the best intentions in the world and they may, in fact, be the proper parents to bring up a child. That discretion should be left in the hands of the Probate judge who is investigating the matter and is best qualified to make that decision. For those reasons I oppose the amendment.

DEPUTY SPEAKER:

The gentleman from the 111th.

REP. CAMP(111th):

Mr. Speaker, I join in what the previous speakers have said in opposing this amendment as I did in the prior year when it was brought up. I think it's perhaps well intentioned, but certainly a has a possibility for some cruel and unusual results. One of those would be that this gives one more suggestion or one more indication of where litigation could arise because adoptive parents could hold up an adoption of this child by any other person while they litigated the question of whether or not they weren't qualified or were dis-

April 24, 1974

56  
psk

qualified because of a question of age. I think an amendment of this type is a horrendous mistake. I'd hope that it would be withdrawn, but we'll probably have to vote on it. I hope we'll vote no.

DEPUTY SPEAKER:

The gentleman from the 122nd.

REP. BEVACQUA(122nd):

Mr. Speaker, I, too, rise to oppose this amendment. And I'm going to make exactly the same comment at this time as I made a year ago when this particular question was debated, in that my major concern, frankly, is with the very young potential parent. I'm very much concerned about a situation which cannot be considered an unusual one where one of the parents one of the potential parents would be a sixteen year old potential and an eighteen year old potential father who, as a result of our reducing the age of majority to eighteen, are now in a position to apply for adoption and in the event that a Court felt that these parents at their age and at their emotional development and mature development stage were not--were

April 24, 1974

57  
psk

not able to conduct themselves as parents in the best interests of a young child, there would be absolutely no opportunity for the Court to deem that because of age these prospective parents were not able to effectively guide the welfare and the future of that child. This would be a very dangerous situation, but it certainly would not be an uncommon one. I would, therefore, oppose the amendment.

DEPUTY SPEAKER:

Gentleman from the 138th speaking for the second time.

REP. BARD(138th):

Mr. Speaker, I would just remind the Body that as I recall Governor Meskill indicated that he would veto the bill last year, and I would assume that would prevail this year also, if this particular amendment were adopted. If that were to happen we would be left with the existing law which we have right now which is unworkable. I just say that for information purposes. I would also point out that we had a number of meetings, and this question came up, and to a man and woman on our committee meetings this idea was rejected.

April 24, 1974

58  
psk

DEPUTY SPEAKER:

Gentleman from the 76th.

REP. CIAMPI(76th):

A question, through you, Mr. Speaker, to Mr. Bard.

DEPUTY SPEAKER:

Please state your question.

REP. CIAMPI:

Is there actually a age limitation for persons adopting children.

DEPUTY SPEAKER:

Gentleman from the 138th care to respond.

REP. BARD:

No.

REP. CIAMPI:

In other words, through you, Mr. Speaker, in other words a man forty years old or forty five or fifty years old could be rejected because of his age for adopting children.

DEPUTY SPEAKER:

Gentleman from the 138th.

April 24, 1974

59  
psk

REP. BARD:

Could be rejected or accepted depending on whether the authority that makes those determinations has deemed that person qualified.

DEPUTY SPEAKER:

The gentleman from the 76th.

REP. CIAMPI:

Through you, Mr. Speaker. Could his age alone be a determining factor for rejection of an adoption.

DEPUTY SPEAKER:

The gentleman from the 138th.

REP. BARD:

I don't believe it could. I would say very practically, I think I'd be misleading you if I were to say that a person ninety two probably would be turned down because it would be-- unless the person were very vibrant. When you ask a question, in attempting to answer your question honestly, as I've tried to do, I would assume that somebody ninety two probably would be rejected. But there's nothing in the statutes that says

April 24, 1974

60  
psk

because a person is a certain age they are rejected. Other things come into play here. The problem with Mrs. Pearson's amendment is that age would then become something for people who have been rejected to hang their hat on and to appeal the situation during which appeal the child would suffer.

DEPUTY SPEAKER:

Any further remarks. Will all members take their seats. The Clerk will announce a roll call vote. The lady from the 121st.

REP. PEARSON:

Thank you, Mr. Speaker. I just--speaking for the second time--wanted to say that the Welfare Commissioner does have discretion and makes determinations in this area, as is spelled out in the bill in various sections that the Welfare Commissioner may determine whether it would be in the best interests or not of the child regarding determination of parents, etc. I think that the Welfare Commissioner would use some discretion in this area, but I do believe that the wording solely because of age would be very important. I think it's come out today that very vibrant people, perhaps in their forties, could

April 24, 1974

61  
psk

be very qualified parents. And I do not think that the wording of the bill should continue with solely not included-----

DEPUTY SPEAKER:

Please be courteous and give your attention to the lady from the 121st.

REP. PEARSON:

As I stated, I believe that the Commissioner does have some discretion in this area, and I also believe the Probate Court would also. And I don't think that this amendment would have been proposed and the manner to have been cool. I think we're trying to be fair to all persons and that was the nature of the presentation of the amendment.

DEPUTY SPEAKER:

The gentleman from the 138th.

REP. BARD:

Mr. Speaker, I ask for unanimous consent to speak for the third time.

DEPUTY SPEAKER:

Request permission to speak from the Body for the third time. Are there any objections. Hearing none, the gentleman

April 24, 1974

62  
psk

may speak for the third time, briefly, I hope.

REP. BARD:

Yes, Mr. Speaker. I was just trying to answer a comment made by Representative Pearson when she was talking about termination of parental rights. The age question doesn't come into play there at all. The termination of parental rights goes to the question as to whether the natural parents' rights should be terminated. It has nothing to do with the age of perspective adopting parents. I might also add that I'm sure that Mrs. Pearson, as she has in the past, has offered this amendment because she feels that it is a proper amendment and would make the bill better. I just must point out to her, as I have on a number of occasions, this is not a good amendment to this bill. It will hurt children, and I've given the other reasons prior to this why some older people are turned down.

DEPUTY SPEAKER:

Gentleman from the 109th.

REP. RATCHFORD(109th):

April 24, 1974

63  
psk

Mr. Speaker, I, too, rise in support of the amendment. As someone who has supported all of the other changes to the adoption law, an excellent adoption law, and one which, in my judgment when action is completed will leave Connecticut at the fore in the field of adoption. I would remind the members of this Body that approximately a year ago at this time we adopted this amendment and then came back and reconsidered our action because of the representation that if it remained on the bill, the bill would be vetoed. A year ago we were assured there would be some action on other legislation relating to this question. And now a year has passed and we find the only vehicle available to those who are concerned about the question of age and whether or not it should be the sole basis for denying an adoption is through support for this amendment. That is the issue. This is the opportunity. There will not be another one this session. We've learned that in the intervening period of time. Now you may feel pro or con on the subject. But I would remind you that this is your last opportunity as a General Assembly in this session to take action

April 24, 1974

64  
psk

to take action legally to say that age cannot be the sole basis for denying an adoption. For this reason I support the amendment.

DEPUTY SPEAKER:

Gentleman from the 29th.

REP. KABLIK(29th):

Mr. Speaker, because I have a current application pending, I'll absent myself from this vote and the vote on the bill when it comes up.

DEPUTY SPEAKER:

The Clerk will so note. The gentleman from the 116th.

REP. ANTONETTI(116th):

Mr. Speaker, I, too, rise in support of this amendment as I did in the last session. I am sure that there are many reasons with which one can be disqualified from adopting a child rather than solely the reason of because of age. As we are ----as I am sure all members of the House are well aware of the fact that in any legal matter it must be clearly stated in the law as to what would prohibit the adoption of a child. And I am sure the Probate Court judge would consid-

April 24, 1974

65  
psk

er all matters as to the welfare and the benefit of the child. And that a person wouldn't be disqualified solely because of age. Some of the arguments that have been purported as a ninety year old person adopting a child or a fifteen or a fourteen year old person, I think they're extremely emotional and do not look to the letter of the law, which we are here today concerned with. So I rise in full support of this amendment.

DEPUTY SPEAKER:

Gentleman from the 92nd.

REP. WEBBER(92nd):

Thank you, Mr. Speaker. Representative Ratchford and Representative Antonetti said precisely what I hoped to say, and so I'll be brief and just make it very clear that it's with a great deal of enthusiasm that I support this amendment. And I support the amendment because of some very distressing personal experiences in my community where age was supposed to be not the factor, and certainly turned out to be the factor. And I thought they were most unfair in their de-

April 24, 1974

66  
psk

cisions. This is a good amendment, and I would leave it to the wisdom and to the judgment of those in power and those in authority and the professionals as to who and where and how the child should be adopted or given out. It's a good amendment, and please support it. Thank you.

DEPUTY SPEAKER:

Gentleman from the 76th.

REP. CIMAPI(76th):

Mr. Speaker, I rise to support this amendment also. And strictly because it almost became a personal thing with me in my district. A foster parent who had a baby child who raised it from a little girl to about five years old and wanted to adopt that child, but was turned down solely for their age. These people were young at heart. The man was still working. They gave the child everything possible that a normal mother and father could do, and they were turned down solely because of supposingly their age. I'm all in favor of this amendment, Mr. Speaker.

DEPUTY SPEAKER:

April 24, 1974

67  
psk

The gentleman from the 119th.

REP. STEVENS(119th):

Mr. Speaker, I don't think my good friend from New Haven, Representative Webber understands this amendment or else he would not have made the statement he did. He said he would like to trust to the judgment of those people who make the final decisions on adoption. I agree with him. The adoption of this amendment would preclude the person who makes the final judgment from using age as a determinant factor. If an applicant met all other criteria the decision could not turn upon age if this amendment is adopted. It may make a good speech to stand up and say these are emotional arguments. But the law should be written to cover all circumstances. Clearly, if you will read line 669 the Court of Probate shall not disapprove any adoption under this section solely because of, then adopt this amendment and it will say solely because of age. Very clearly. If this amendment is adopted and parents or a parent, because an individual may apply, meet all other criteria and the judge feels that

April 24, 1974

68  
psk

the age, either too young or too old, is the reason that the parent should not have the child, the judge is without any discretion whatsoever. The adoption must be granted. There is no discretion in the judge. Those who think there is are not reading the File copy. It's a very emotional argument to say that age should not be the determining factor. I agree with that. But to say that age cannot be the sole determining factor is quite a different thing. It is saying that if all other criteria are met, and age is against the prospective parents you cannot consider age.

DEPUTY SPEAKER:

I would ask you please give your attention to the gentleman from the 119th.

REP. STEVENS:

That is what the amendment would do. And it is not in the best interests of any child who is up for adoption to say the judge of Probate cannot consider age. Yet the adoption of the amendment clearly does that.

DEPUTY SPEAKER:

April 24, 1974

69  
psk

The gentleman from the 92nd.

REP. WEBBER(92nd):

Mr. Speaker, I would thank the Majority Leader for advising me that I didn't quite understand the amendment. But I would advise my very dear friend, Mr. Stevens, I do very clearly understand the amendment. And when I said what I did in terms of leaving it to the discretion or the wisdom of the professionals I implied, Mr. Stevens, and ladies and gentlemen, that if age were, in fact, a deterrent I think that the tact, the diplomacy, the professionalism of those involved would get around that very very nicely and without too much trouble. I've seen situations, and I honestly mean this. I've seen situations where age was the determining factor and the only factor and totally unnecessarily. I have every confidence again, I will say that those who are those who sit on the top of this thing and those who are authorities will do the right thing even with the amendment. And I have every confidence in them. And I support the amendment.

DEPUTY SPEAKER:

April 24, 1974

70  
psk

Gentleman from the 109th speaking for the second time.

REP. RATCHFORD(109th):

Speaking for the second time, I certainly would stand and applaud my good friend from Milford for giving us all the good reasons why we should support this amendment. Because he points a finger to the fact that a presiding judge cannot deny an adoption solely because of age. And I don't think a presiding Probate judge should be able to deny an adoption solely because of age. Now I'm certain if the proposed adopting parent is infirm or at the other end of the spectrum, is immature that there will be a denial and it will stand up by law. But let's not suggest that in putting this in here that we're correcting that problem. The problem we're trying to correct, and there have been instances where denial has been based solely because of age not because of infirmity, not because of incapacity, not because of disability, not because of lack of maturity. There's discretion in those areas if we approve this amendment. But what we're saying if we adopt this amendment, and

April 24, 1974

71  
psk

we're saying it in the best interests of children and the best interests of adopting parents, that age in and of itself will not be the sole basis for denying an adoption. And what's so unfair about that. What's wrong about that. Do we say that someone cannot serve in the Connecticut General Assembly because of his age as far as the upper limit is concerned. I think it's about time that we accepted the fact that whether a person is eighteen or seventy eight, age in and of itself shouldn't be the basis for disqualification. It should be the individual. It should be his economic or her economic conditions. It should be his or her maturity. And above all, his or her ability to serve as a loving, caring concerned parent for a child that needs adoption. Let's pass this amendment. Let's send it to the Senate and let's see what the executive branch does with it after we've taken action.

DEPUTY SPEAKER:

The lady from the 98th.

REP. GRISWOLD(98th):

April 24, 1974

72  
psk

Mr. Speaker, I rise to support this amendment. For much the reasons that Mr. Ratchford has given. And Mr. Webber. But I especially am pleased to have Mr. Ratchford compare being a parent to being a member of the General Assembly. I think they are both equally difficult physically. And I think that there are some aged or older or elderly people who have made very good law, legislators up here, and I think there are some who would make very good parents. I would like to point out that at present most people in Connecticut think that older people are not eligible to be adoptive parents. I think this amendment would clear up that idea. And there are older people, people over fifty, I think, some over sixty, who would still make very good parents. And I'm thinking also, not just of married people. I'm thinking of some of the singles who are getting along in years who have a lot of love and a lot of intelligence and a lot of wisdom to give to a child if they're allowed to adopt. I urge adoption of this amendment for adopting children when you're a little bit along in years.

April 24, 1974

73  
psk

Thank you.

DEPUTY SPEAKER:

Gentleman from the 18th.

REP. NEIDITZ(18th):

I rise to oppose the amendment. We're not giving out pets. The adoption agencies in this state are not giving out house pets. They're placing children, and the interests to be looked at first and primarily are is that of the child. Now if a professional, a social service agency which handles adoption, such as Catholic Family Service, Childrens' Services of Connecticut, have two couples before them who are equally qualified to be adoptive parents by whatever the criteria are that professional social workers use. The child is ten days old. One couple is thirty years old, and the other couple is sixty years old. I think that we might have reason to believe that the adoption agency would grant the child to the thirty year old couple for some very practical reasons. This is not to say that there are many children who are hard to place, who are older children who can be adopted,

April 24, 1974

74  
psk

or children from certain minority groups where it's very difficult to find placements. But, Mr. Speaker, to put this into the law I think unfairly and unnecessarily restricts the hands of our adoption agencies, and I urge rejection of the amendment.

DEPUTY SPEAKER:

Gentleman from the 32nd.

REP. COATSWORTH(32nd):

Mr. Speaker, I rise to support this amendment. I think that judging the ability --Mr. Speaker, judging the ability of individuals to raise children based on a criteria of age is not a sound policy for any court or any social service agency to follow. We are told on the one hand that a thirty year old couple and a sixty year old couple equal in all the respects in the face of a decision on whether or not to adopt or be allowed to adopt a child that the sixty year old couple clearly would be ruled against in favor of the thirty year old couple. Might I suggest to this House the thirty year old couples in the state of Con-

April 24, 1974

75  
psk

necticut have the highest divorce rate. What kind of a criteria is that alone. We're not talking that someone who is sixty years old should be allowed to adopt children exclusively based on that age. But at least we should prohibit discrimination based solely on the criteria of age in adopting children in Connecticut. And if the court finds that age is not a factor, or wishes to use the age of a couple as a factor in excluding them from adopting children, they might better refer to emotional maturity or financial or emotional stability and other kinds of factors which are more sincere and more serious and more meaningful. I support this amendment. I think discrimination based on age alone is foolish, and we do ourselves an injustice as a Legislature to allow this law to continue in the manner which it is now.

DEPUTY SPEAKER:

The lady from the 129th.

REP. MORTON(129th):

Mr. Speaker, I rise-----

April 24, 1974

76  
psk

DEPUTY SPEAKER:

The Chair would ask that the people in the well of the House on my left to please carry on their conversations outside the Chamber. The lady from the 129th.

REP. MORTON:

Mr. Speaker, I rise in support of this amendment. My reasons for supporting this amendment, I would say, are very simple. There is no way we can by legislation preclude an elderly or a young person from becoming natural parents. How do we dare say that they cannot have children or become parents by law. I think this is a ridiculous argument. We're discriminating against people by age in a way that we cannot discriminate against them from becoming natural parents. I think we should vote this amendment and get it over.

DEPUTY SPEAKER:

The gentleman from the 28th.

REP. HENNESSEY(28th):

Thank you, Mr. Speaker. I rise in support of the amendment. I feel that it's just a matter of common sense. To

April 24, 1974

77  
psk

eliminate solely because of age, I think Representative Coatsworth has pointed out some very significant factors in regard to divorce rates which can't be counted on. I think it's important that we try and offer children and in this case possibly infants the broadest and best possible alternative to their situation as it is. Thank you.

DEPUTY SPEAKER:

The lady from the 73rd.

REP. RAPOPORT(73rd):

Mr. Speaker, I join in wholehearted support of this amendment. And I'd like to speak for a moment about a set of foster parents in my district who had in their care and trust a child from the time it was nine and a half months old. The youngster was brought up in their home for seven years, seven years in which they were deemed by the court capable, trustworthy, reliable, fond, loving foster parents. And when they put in for adoption they at that point were told that the child was not to be theirs because they were quote too old. The child was removed from their home at

April 24, 1974

78  
psk

almost ten years of age and has since lived in three other foster homes. Now if that isn't a disruption of a child's life, a point at which a youngster has no confidence in himself or in the world at large, I want to know what is. The child would have been well adjusted, well loved, well provided for, and one of a family who loved him. I feel that this is an amendment that is a very necessary one. I do not in any way feel that those people who are under scrutiny by a Probate Court judge should lose a child that had been put in their care as a foster child, but taken away when the Court deemed them too old to adopt it legally give them their name, their love, the benefits of their estate, and so forth. I wholeheartedly support this amendment.

DEPUTY SPEAKER:

Are there any further remarks. The Clerk will announce an immediate roll call vote. Will the aisles be cleared. All non members return to the well of the House. All members take their seats. Will the aisles be cleared. Will all members please take their seats. The gentleman from the

April 24, 1974

79  
psk

138th, for what purpose does he rise.

REP. BARD(138th):

Mr. Speaker, unless Mr. Bingham is going to speak in response to Mrs. Rapoport, I must.

DEPUTY SPEAKER:

You will have to ask permission of the House.

REP. BARD:

I do so.

DEPUTY SPEAKER:

Any objection to the gentleman from the 138th speaking for the fourth time. Hearing none, he will do so rapidly.

REP. BARD:

Mr. Speaker, just to point out Mrs. Rapoport's situation which is an important one, and I think it should be considered. She mentioned a foster foster parents who had a child for a period of time. The child was taken away. I don't know when this happened, but there is presently and there has been for at least a year a mechanism by which every foster parent when a child is being transferred from

April 24, 1974

80  
psk

their care can appeal and ask for what is called an administrative case review, and that is given automatically. And the reason for that is that if a foster parent feels that the child should not be moved because it would be in not in the best interests of the child, they can ask for this administrative case review. It is automatically given, and disinterested people come in, specialists, professionals, psychologists, etc., and form a panel at which time that foster parent may go before that panel and show why that child should stay there and not be moved. Now this has happened on a number of occasions. And in most situations the child has stayed with the foster parents. I don't seem that argument that Mrs. Rapoport made to be a valid one here. The foster parents in her case may not have known about this or this particular mechanism may not have existed the time that happened. But it's no longer a reason for putting age in the adoption law.

DEPUTY SPEAKER:

The gentleman from the 70th.

April 24, 1974

81  
psk

REP. AVCOLLIE(70th):

Mr. Speaker, it seems to me that Representative Bard's comments with regard to Mrs. Rapoport's story and the plight that her constituents faced really supports this amendment rather than speaks against it. Because it seems to me that in Mrs. Rapoport's situation as she's related it, whether these people were aware of the procedure or not, they were, in fact, told that after seven years of loving a child and caring for that child they would not qualify as adoptive parents because of their age. And I've listened to the debate in the House, and, frankly, I had no firm opinion when I started hearing it. But as I look at Mrs. Pearson's amendment it doesn't say that a Probate Court must approve an adoption of an individual, let's say, that's under normal circumstances considered too old to adopt. It simply says that a set of adoptive parents shall not be denied the right to adopt solely because of age. It doesn't really remove the discretion from the judge to look at all of the aspects to see whether the parents are responsible, to see whether they can, in fact, care under other circumstances. It sim-

April 24, 1974

82  
psk

ply says that they shall not discriminate against these adoptive parents solely because of age. And it seems to me, that we've inserted this prohibition in our statutes on many many occasions. We can't discriminate against one-- we can no longer discriminate against one seeking employment solely because of age. There are many areas that we cannot discriminate against an individual because of their age. And certainly here, where we're talking about children, children who have not had the advantage of a home and parents to love them, certainly we should broaden it to the point where we at least tell the Probate judges with whom we've entrusted this care that they are to look at these parents without regard to some of the traditions of the past, without regard to some of the artificial age barriers and look at a forty or forty five or fifty year old parent as they are under all the circumstances. Don't look at their birth certificate. Look at whether they're going to be good parents for this deserving child. I firmly feel that Mrs. Pearson's amendment makes a very very fine bill a great deal

April 24, 1974

83  
psk

better, a great deal more humane, and I would urge passage of the amendment.

DEPUTY SPEAKER:

The gentleman from the 14th.

REP. WESTBROOK(14th):

Yes, I'll be very brief. In listening to this debate, it seems to me that the most important point here, and I'm against this amendment, is the child suffers because the parents, or the ones who want to be parents bring this into court. And in the mean time while they decide that this was a determination of age only, that they were denied, the child suffers. That's why I'm opposed to this amendment.

DEPUTY SPEAKER:

Will all members please take their seats. The aisles be cleared. Non members return to the well of the House. Would all members take their seats. The machine will be opened. The machine will be closed. The Clerk will please take a tally.

ASSISTANT CLERK:

April 24, 1974

84  
psk

Total Number Voting.....139  
Necessary for Adoption..... 64  
    Those Voting Yea.....64  
    Those voting Nay.....75  
    Absent and Not Voting.....12

DEPUTY SPEAKER:

House Amendment B is REJECTED. The question's on acceptance and passage of the bill as amended by House Amendment A. For what purpose does the gentleman rise.

REP. BRUNSKI(84th):

To speak on the bill.

DEPUTY SPEAKER:

The gentleman from the 84th.

REP. BRUSNKI:

Mr. Speaker, I assume we're speaking on the bill now.

DEPUTY SPEAKER:

The question's on acceptance and passage of the bill as amended by House Amendment A.

REP. BRUNSKI:

Mr. Speaker, I rise in support of this bill. Over the past year I've had many inquiries in my district as

April 24, 1974

85  
psk

to the shortcomings of the bill that we passed last y  
And I'd like to commend the Judiciary Committee at this  
time, Representative Bingham for a job well done in straight-  
ening out the so-called mess that we passed last year. Thank  
you very much, Mr. Speaker.

DEPUTY SPEAKER:

The lady from the 73rd.

REP. RAPOPORT(73rd):

I, too, rise in support of this bill. And speaking on  
the bill, I have in my possession a letter that represents  
four hundred families, four hundred families who are await-  
ing final court proceedings on children placed in homes prior  
to the enactment of the new adoption law of October 1st, 1973.  
At that time the natural parents surrendered irrevocably all  
rights to custody of the adoptee. But they did leave an area  
of loophole. And I commend the committee on section 2, par-  
agraph a, that now appoints a statutory parent. Many of the  
children awaiting final adoption after the one year trial  
period of adoption were in limbo. They were neither the

April 24, 1974

86  
psk

child of the parents awaiting the adoption or orphans. They had not been finalized as children of a family. They were awaiting the court to give the permanent OK. They had no one to call truly their Mom and Dad. Four hundred families in the state of Connecticut have been waiting this new law with baited breath. I am proud and pleased of our Assembly today in bringing forth this bill, and I commend the Judiciary and Representative Bingham by finally allowing this bill to come forward with the proper amendments that would take care of their problem. Thank you.

DEPUTY SPEAKER:

The gentleman from the 136th.

REP. NEVAS(136th):

Mr. Speaker, I rise in support of the bill. The bouquets have been thrown in the direction of the Judiciary Committee and Representative Bingham, and they are well deserved, of course, and I join in the tossing of the bouquets in that direction, but I'd also like to mention for the information of my colleagues in the House and congratulate as well the

April 24, 1974

87  
psk

members of the Probate Assembly in this state, the judges of Probate who have worked so long and so hard since this bill was adopted in attempting to reach compromises and changes that would improve this bill. They had a committee which worked in cooperation with the Judiciary Committee in bringing out these amendments, and I think that they're due some recognition here today as well.

DEPUTY SPEAKER:

Will all members take their seats. The Clerk will announce a roll call vote. Will all members please take their seats. The aisles be cleared. All non members return to the well of the House. Question's on acceptance and passage. The gentleman from the 140th.

REP. FABRIZIO(140th):

Mr. Speaker, I also have received numerous complaints about the bill which we passed last term on adoption. Numerous perspective adoptive parents who would like to have adopted children were not able to adopt children last term because of the faulty bill which we passed. I'm glad ----

April 24, 1974

88  
psk

DEPUTY SPEAKER:

The Chair would ask that if there are any important conversations to take place that they take place outside the Chamber. The gentleman from the 140th will be brief.

REP. FABRIZIO(140th):

I wholeheartedly support this bill and feel that everyone should do everything they can to encourage people to adopt children. I urge everyone to support this bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER:

The gentleman from the 111th.

REP. CAMP(111th):

Mr. Speaker, as others, I compliment the committee on the good work that they've done in correcting whatever mistakes we've previously made. I would just ask for the purpose of determining a question for the Legislative Commissioner, the chairman of the committee if I'm correct in the following assumption. May I ask that question please, Mr. Speaker.

April 24, 1974

89  
psk

DEPUTY SPEAKER:

Please state your question.

REP. CAMP:

Thank you. It is my understanding that in line 496 there's a beginning of a bracket and that the proper end of that bracket is in line 524 after the word agreement and that everything between those two points is deleted. The reason I ask the question is because there are some capitalized words in that area and there are also a couple of brackets, and I'd just like to make sure this is clear.

DEPUTY SPEAKER:

The gentleman from the 147th care to respond.

REP. BINGHAM(147th):

Mr. Speaker, I was concerned about that this morning and I had a conference with the Legislative Commissioner's office for the purpose of legislative intent and statutory construction. All of that bracket comes out and that language which is on 512 bracket this act close bracket is out.

DEPUTY SPEAKER:

April 24, 1974

90  
psk

Are there any further remarks.

REP. CAMP:

I thank the committee chairman.

DEPUTY SPEAKER:

Will all the aisles be cleared. Please clear the aisles. Non members return to the well. The machine will be opened. The members will remain in their seats please. The machine will be closed and the Clerk will please take a tally. The Clerk will announce the tally.

ASSISTANT CLERK:

Total Number Voting.....	144
Necessary for Passage.....	73
Those voting Yea.....	144
Those Voting Nay.....	0
Absent and Not Voting.....	7

DEPUTY SPEAKER:

The Joint Committee's Favorable Report is accepted and the bill is PASSED as amended by House Amendment A.

THE SPEAKER:

Gentleman from the 87th.

JOINT  
STANDING  
COMMITTEE  
HEARINGS

JUDICIARY

1974

PRESIDING: Representative E. Ronald Bard

SENATORS: Guidera

REPRESENTATIVES: Freedman, Neiditz, Smyth, Argazzi,  
Healey, Burnham, David Sullivan.

First of testimony lost as machine was not turned on.

UNIDENTIFIED PERSON: two bills before you today my comments are not specifically geared toward any changes or recommendations regarding those bills. Merely the fact that in early February I did write the Judiciary Committee regarding a matter that I hoped that they would consider and that would be the adoption shall not be disapproved solely because of an adopting parents age.

I feel that the old adoption laws were passed many years ago when the average life span was a lot lower. But the bracket of life span has increased and people are staying younger longer, we have more increased time and leisure time and I feel that our Connecticut laws should compliment this fact.

There are many qualified people who are willing to accept these responsibilities as well as the joys of adopting and parenthood. I feel that if they are capable physically of adopting I don't think that the barrier should be there and that they would be disapproved solely on the basis of age.

From the information that I have gathered the age bracket is getting higher and higher, I guess because of the fact that they are fewer and fewer, children available. But I don't think that this should eliminate the person in their fortys from adopting and I would like to see that the statutes be worded that there shall not be discrimination solely on the basis of age. I realize we have had some difficulties with that terminology and in the past few sessions but I would sincerely hope that the committee would think of it again this year and possibly consider including it in the bills. Thank you.

REPRESENTATIVE BARD: The testimony from the public will start about 1:00.

REPRESENTATIVE CONN: Rep. Bard, and Sen. Guidera, members of the committee, my name is Walter Conn, I represent the 67th district and I would like to speak briefly on Raised Committee Bill # 5735, on the adoption of children and I would like to make about three points. First I would like to say that I am in full agreement with the amendments to this bill where many people who have adopted children will be able to have their adoption finalized. I think this is a very important

feature in this bill.

However, of equal importance and number two, the fact that there are many people in my area who were seeking to adopt children but are having a very hard time in finding homes study groups to supervise and recommend the adoption procedures and I think that this is a part of the bill that should be improved.

Number three, I think that we need agencies, more agencies in the adoption field and would recommend more to do more with interstate adoption and inter-country adoption. We have a great many people in our area who are very interested in foreign adoptions and seem to be having many, many problems with this and I think that a clear set of rules to form agencies for adoption and a time limit in forming them and recommending them should be made. I don't think this is a part of this bill. However, I do commend the department on it, new amendments so that many of these people who now have children can finalize their adoption. Thank you.

GLENN KNIERIM: The 1973 legislature passed an historic new adoption law, PA 73-156. This law contained many important innovations to our adoption system. The basic ideas for the new law came from the Governor's Adoption Law Task Force which spent two years identifying problems with the old adoption statute and making recommendations to solve these problems. As with all new legislation, however, especially legislation as for reaching as PA 73-156 there developed many technical difficulties and oversights. The law went into effect on October 1, 1973, and when it became apparent that remedial legislation would be necessary, I convened a committee of probate judges and clerks and a representative from the Welfare Department, Mr. Robert Budney. This committee worked for three months in developing new legislation to remedy the difficulties in PA 73-156. A draft was presented to the Judiciary Committee in December of 1973. The draft retained all the major recommendations and innovations contained in 73-156 but attempted to smooth the process, remedy the defects and put the sections in more logical order.

Thereafter, Rep. Ronald Bard convened a committee consisting of a representative from the Welfare Department, Connecticut Probate Assembly, private child placing agencies, the Juvenile Court, members of the Bar and myself. Using my Committee's draft as a base, this committee reviewed the matter totally, redrafted and clarified many sections and the result of this work is before you as Bill #5735. This Committee's review was most thorough and professional and Rep. Bard deserves much credit for this outstanding job of coordination.

The bill before you still retains the three major steps

in the adoption process developed by PA 73-156. They are; (1) termination of parental rights; (2) appointment of statutory parent; and (3) the adoption proceeding. In connection with the termination of parental rights, the proposed law, as did 73-156, takes into account the latest developments in case law in this field. For example, the putative father of a child born out of wedlock if he meets certain conditions is given notice and the right to be heard. Whatever rights he has are required to be terminated before an adoption can proceed. However, the law does recognize that there are effective terminations of parental rights which have taken place outside of Connecticut of which have taken place in Connecticut prior to October 1, 1973. This was one of the major defects in PA 73-156. It required termination in Connecticut regardless of what had happened before the child was brought here or what happened before the law was passed. This would result in the complete drying up of the supply of adoptable children from outside of Connecticut.

The law provides for an automatic transfer in a contested termination case from probate court to juvenile court if a party to the action other than the petitioner so requests. Under PA 73-156 it was discretionary with the probate judge. The law allows the juvenile court to terminate parental rights using the same standards as the probate court on a child committed to the welfare commissioner without waiting the year required under the old statute.

The notice and hearing requirements are substantially the same as in 73-156 except that the definition of putative father who is to receive notice is expanded. The same basic factors which must be used in deciding whether or not to terminate parental rights as were provided in 73-156 have been retained in the proposed act. However, one additional factor has been added. This allows the judge to terminate parental rights if he believes that no parent/child relationship exists and to allow time to develop such a relationship would be detrimental to the child. The social scientists tell us that the first year of a child's life is most important. Therefore, this standard would allow the judge to decide in advance if the parent would be unable to provide the type of relationship necessary for the emotional wellbeing of the child. As did PA 73-156 this act carefully limits those persons who may apply for adoption. A statutory parent who must either be the welfare commissioner or a child placing agency may apply. In addition, the stepparent may apply in carefully defined situations. A significant change, however, is the proposal that we allow a blood relative to apply for adoption without using a statutory parent. This has been allowed in Connecticut for some years but was changed by PA 73-156. The statute requires that an investigation and report be done in all cases

except the stepparent adoptions. An investigation must be done even in the case of a relative adoption.

We feel that there are adequate safeguards against the private placement type adoption and the black market baby situation. Again because of time being so important to a young child, this law proposes that the appeals time be reduced from one year to 90 days in adoptions proceedings where the parties had no notice to be present at the hearing. The appeals would be limited to 30 days where actual notice is given.

As did PA 73-156 this law requires affidavits that whenever a decree is issued under the act, it will not conflict with any decree of any other court. This is to avoid court shopping and use of the probate or juvenile court when a litigant has lost in Superior Court, Family Relation. This law has a grandfather clause which validates adoptions started prior to October 1, 1973, and validates proceedings under PA 73-156 completed prior to the passage of our proposed new law.

In summary, I would say that the proposal before you contains all of the outstanding contributions made to the adoption process in Connecticut by PA 73-156 but calrifies provisions of that act, corrects certain technical defects and inserts certain practical considerations. I believe that if this law is passed it will be one of the most enlightened adoption laws in the United States.

REPRESENTATIVE BARD: I would like to publicly thank Judge Knierim for all the help he has given us on this bill. There were a large committee that met a number of meetings and thrashed out this bill and I would be complimenting them, each of them as they speak but I like to publicly thank Judge Knierim, and I understand ..... if we have some questions. Judge Knierim emerges as the expert on this bill. So I am going to ask him if he can stay and help us with some of the questions. One of the things I would like to point out so we are all in the same contex and the bill that you have before you is the new adoption bill. However, there are a number of sections that we retained from the 1973 bill so you might want to make some notes on the bill you have. I am going to read off the list of sections in the '73 bill that we have retained. Those will be sections 1, 11, 14, 16, 18, 21, and section 23, I will read those again, 1, 11, 14, 16, 18, 21, and 23.

Now also in your, the bill you have before you if you will make this correction in section 16, of the '74 bill. That is the section that deals with those sections we have repealed from the '73 law which adds section 15, between section 8 and section 17. Section 16 will read sections 8, 15, 17, and 20. Now I know

many of you are here because of the out-of-state out-of-country and the grandfathers clause let me point out that section 7 of the bill you have before you deal with the out-of-state and out-of-country situations and section 15, deals with the grandfathers clause. So those of you who are here for that particular reason might want to look at those sections. Those who would like to speak there is a sign-up sheet in the rear those will be brought up to the chairman periodically and I believe the chairman would like to call on the next speaker which I believe is a legislator.

REPRESENTATIVE CAMP: Thank you Mr. Chairman, I appreciate the opportunity to be able to speak here today and I speak just to two points which I hope have been taken care of in the law. I speak from two points first the importance of this to the people within the community which I think we are all familiar. The problem came to my attention through two constituents who had the problem themselves. The first is with respect to the grandfather clause and those instances in which a child was with parents now and that child had his natural parents removed as guardians prior to October 1. From what I gather sections 7 of the bill that is before you on page 9 lines 260 apparently resolves this problem. By indicating that a child should be considered free for adoption if any of the following has occurred. You speak of removal of the parents as guardians if the person has appeared prior to October 1, 1973 and then you say under the provisions of 45-73. Because drafting in this statute is so important I wonder if all removals did in fact occur under sections 45-43, if there are any possible loop-holes and I just raised it as a question I am no expert in the field.

If there is any possibility that they haven't I would suggest changing that law to say something to the effect of under applicable Connecticut law. Rather than being specific as to the section because sometimes you lose something because an adoption can be carried out under a different section.

The second question that I haven't in mind and that is that the section 7 specifies that the child be "considered free for adoption". Again because I am not an expert in the field, this has been probably taken care of someplace else but the problem that I am concerned with is what sort of a position is that child in having been considered free for adoption and who is in charge?

If he is free for adoption does that mean that the state is therefore, the statutory parent for future adoption, or who should the present person with whom the child is looking to whom should they look to get control and get final adoption over that child?

The second point, and I would not be anywhere near a specific because it is much more general and I am not as familiar with the bill as you saw it today, is the question of, it seems to me as a general policy in the state of Connecticut, we should make it as easy as possible for second marriage fathers in particular to adopt the children of the first marriages where that situation is desired by all the parties. To the extent it seems to me the state should pretty much step out of the picture and I have not been familiar enough with this law to see if that is done but I would hope that the welfare department doesn't get involved in these situations because it seems to me that some parent is better than no parent and the natural parent is the one that the mother has married to at that, rather the parent who is likely choice of the one that married, the mother is married to at that time.

In many instances the father just disappears or fails to make support payments or just is disinterested. It seems to me the extent we can get a new parent in there get it in as a natural fashion. Something we should be for in the state of Connecticut. Thank you.

GLENN KNIERIM: As far as stepparent adoptions are concerned this proposal makes them very simple, no outside agency will be involved we do not require an investigation by either a child placing agency or the welfare department they can be handled just as quickly as they always have been without any delay or involvement.

Other statutes determine who is in charge of the child. the declaration that he is free for adoption only allows the adoption process to continue but at that point he either had his natural mother and is a stepparent adoption or he has a guardian appointed under section 45-43 of the old law. He remains the guardian until we start the adoption process and then we must move to the statutory parent concept because the guardian of the person is not one of those people who is allowed to apply for adoption. But he is never without a guardian it is either his natural parent or both parents or deceased the probate court has appointed a guardian under another section.

REPRESENTATIVE CAMP: My question is that in simple terms don't involve all the terms here, if we have a situation where we have a person who has a child with them who had proceeded prior to October 1st along the path of adoption, the child had had the natural parents removed and presumably somebody was then in charge of that child. Is that there is no way that we lose through the hoops the fact that that child can be now adopted in the most expeditious manner possible because the people have already been through a rather long procedure in terms of the present court.

GLENN KNIIRIM: You pointed to the right section, if termination of the parental rights took place in the juvenile court prior to October 1st 1973, for removal of guardianship took place in the probate court prior to that time, that child would be free for adoption and if either of those events occurred, he would have a guardian by that process, so you would not be left without a legal guardian but there would be no impediment to proceeding with an adoption and at that point the process would be available to him that set forth in this bill.

We are controlling the adoption process through a careful definition of who this statutory parent may be. He may only be a child placing agency or the welfare commissioner except in the case of a stepparent adoption or a relative adoption. The reason for that is we don't want people traveling throughout the country and the world and bringing babies and saying here I am I was appointed guardian and in South Korea and I am here to adopt this child.

KEVIN O'CONNOR: I think the only thing that I can tell you at this particular point is that I happen to be involved, my wife and myself happen to be involved in the crux of the problem with a grandfather clause at this particular point. The child was placed with my family prior to the enactment on October 1 of the new law.

We have had the child since last March 1st. around that time. What we have at this particular point is a child a bit in limbo and we cannot bring to a final conclusion what we started totally legally under the old Connecticut law. I would just like to bring to your attention this afternoon, the situation which seems to be, I understand we have tried to make a good law here, and somehow I think we have come up with a situation that is quite hard to accept. We can't adopt our child at this particular point because of the laws and bring it to a final conclusion. I think if we go back to what we look at really the rights of the child and find out where the child was rights of the child being upheld I think we would all hopefully come to the conclusion that the child is with the parents that have cared for it most at this particular point and we would most like to adopt our child at this particular point. But we can't.

WARREN BROCKER: My name is Warren Brocker, I am here representing Child and Family Services of Connecticut. Child and Family Services of Connecticut, Inc. is a voluntarily supported private agency providing family services, mental health and child welfare programs to children and families.

The Agency, has for a number of years assumed a leadership role in providing adoption services in Connecticut

to families and children in need of permanent adoptive homes.

Our membership consists of a Board of Directors, Auxiliaries and professional staff representing approximately 1000 individuals. I am here today representing these interested citizens and the Agency to speak in support of the intent as well as general content of Committee Bill #5735, AN ACT CONCERNING ADOPTION.

We commend the effort to strengthen Connecticut's laws which affect the lives of children and protect their well-being. We do however believe that these efforts can be further realized with minor revisions and refinements in Committee Bill #5735.

Child and Family Services is opposed to extending to a Selectman the authority to petition to terminate parental rights as proposed in Section 2, sub-section (2). The placing of this weighty responsibility - that of determining the appropriateness of petitioning for the termination of Parental Rights, which requires a variety of technical skills, upon Selectmen is highly inappropriate and inconsistent with the overall intent of the law.

Although supportive of the move to include certain fathers of children born out-of-wedlock among those to receive notice of hearing - we recommend further clarification of criteria (A) in Section 4 - line 153. The proposed wording "Has Held Himself Out To Be The Father of Such Child" promotes the potential for considerable confusion and inconsistency in interpretation.

We very much support the inclusion of a "grandfather" clause which gives legal status and recognition to those situations where removal of parents as guardians of the person has occurred prior to October 1, 1973, with the enactment of Public Act 73-156. However, the wording as proposed in Section 7 sub-section (b) is sufficiently ambiguous as to allow for continued uncertainty.

We would propose the following;

- (b) removal of the parents as guardians of the person has occurred prior to October 1, 1973, under the provisions of 45-43 of the General Statutes.
- (c) Termination of parental rights of all persons has occurred under Connecticut Law 73-156.

We sincerely urge you to assume a leadership role in continuing to promote sound legislation. We believe the approval of Committee Bill #5735 with the above

mentioned changes is essential if Connecticut is to continue in its leadership role in the field of adoption.

REPRESENTATIVE ARGAZZI: I would like to ask Judge Knierim a question. This starts on page 13 line 395, it seems to me you got some ambiguous language in here where it says no adoption, no application for adoption for a minor child not related to the adopting parents shall be accepted by the court of probate unless the child sought to be adopted has been placed for adoption. In other words once he is placed for adoption that applies. Or such placement for adoption approved by the welfare commissioner and the child placing agency. Why do you need that last clause in there?

GLENN KNIERIM: This was added at the end of our deliberations out of an abundance of caution we found out that under PA 73-156, people were bringing children into Connecticut and then pressuring agencies to agree to become statutory parents even though that agency had not placed the child or studied the home. To avoid this this type of language is in the old statute and it is a control point. I think the language as you see it here has to be clarified and I have a list of technical clarifications I think is a little ambiguous the way it is worded. What we want to say is either that child has been placed for adoption by the welfare commissioner or a placing agency. Or the placement is approved by either of those two bodies. The placement may have occurred in months past and we don't want to stop that but we are aiming to stop is black market babies coming in and then pressure being put on people to become statutory parents. I have a list of corrections and that is one of my list.

RENA PEICHERT: My name is Rena E. Peichert, I am Executive Director of Child and Family Agency of Southeastern Connecticut.

Connecticut's legislature certainly deserves commendation for its outstanding record since 1958 of establishing and maintaining one of the finest adoption laws in our country.

As we are aware Bill # 5735, is intended to correct a few flaws in Public Act #73-156.

We would like to register our support of Bill #5735 with three exceptions as follows:

I. Page 2, section 2, subsection(2) lines 48-49 should be stricken. To grant the power to petition for the Termination of Parental Rights to Selectmen is to invest in that political entity an enormous power for which they are highly unlikely to have adequate professional competence either themselves or

through their local town welfare office. For the abused, neglected or dependent child, the Selectmen's office already has an avenue to the court which we believe has proven to be successful.

We feel that to grant such broad power to Selectmen as to petition to terminate parental rights is to invite possible abuse of the rights of parents and consequently to threaten the well being of children. The State's Welfare Commissioner and approved Child Care Agencies (as designated in this bill) provide ample avenue other than parents and blood relatives for petitions to terminate parental rights to be brought before the Court. Furthermore, the Welfare Commissioner and approved Child Care Agencies are equipped with the professional knowledge and skill that these powers demand if the rights of parents and the best interests of children are to be served.

II. Page 6, Section 4, Subsection(A), line 153 (which refers to the rights of the Putative Father who) "has held himself out to be the father of such child." Such description of the Putative Father is ill defined and leaves open the door to the exercise of unprecentended rights by the father who may have carried absolutely no responsibility on behalf of either the mother or the child, and whose only involvement may have been the sex act.

We are concerned with adhering to the court decisions in the Case of Stanley vs Illinois. However, it is important to remember that in that case the Putative Father had carried responsibility as if he had been the legal father. He had cared for the children and their mother financially and emotionally. He simply had omitted the legal ceremony. In some states his involvement might have been recognized as Common Law Marriage.

It would appear to be essential that we recognize a putative father's rights to the child as existing only if, in addition to his involvement sexually, he has assumed responsibility for the mother and/or the child at least financially if not emotionally. Certainly, the mother who has carried the child for 9 months, who has given birth, who has had her life style interrupted during this period and who in addition has encountered considerable financial expense should be entitled to consideration of whatever plan she believes to be best for her child and herself without having the child's well being as well as her own well being interfered with by a Putative Father who did no more than involve himself in the sex act.

It seems to us to be imperative that we consider a Putative Father to have rights only when he has ex-

exercised reasonable responsibility on behalf of the mother and/or child. Remember, also, any delay in planning permanently for a child is detrimental.

III. Page 13, Section 10, Line 397. Or should be replaced by and. Unless this change is made, the door is wide open for "gray market" adoptions and very possibly the ultimate destruction of Connecticut's exceedingly fine adoption law.

This loophole has presumably been provided to accommodate so called "hardship cases." However, there is already ample opportunity by other avenues to accommodate satisfactorily any "hardship case." The inherent dangers in this loophole do not warrant its inclusion.

We urge that you give the most careful and serious consideration to these three areas. (1) The power granted Selectmen to petition for Termination of Parental Rights. (2) The careful delineation of which putative fathers are entitled to rights in planning for the child. (3) The elimination of the loophole for Gray Market Adoptions.

Thank you for having the best interest of Connecticut's children at heart.

REP. BARD: The reason we are doing this, this may I feel that, I think the Chairman also feels, that because of the nature of this bill the educational process if that be the proper term, so going along will fall-stall any amendments on the floor of the, that may not be necessary. So in hopes of doing that I am going to ask Judge Knierim as each speaker comes up to have a suggestion to respond to it.

GLENN KNIERIM: I am responding as a member of the coordinating committee all of my comments don't necessarily reflect my personal opinions but these matters that have been brought up were discussed at great length by the committee that I referred to in my statement. As far as the Selectmen is concerned, it must be emphasized that we are only allowing him, to petition. Once he petitions the machinery and the safeguard that are contained in this law take over. Among them being requirements for investigation, and reports by qualified people in all contested cases among them, certain notice requirements and I think that is where we look for, we don't look for a trained petitioner we look for a trained person to get involved in the process once the petition has been filed. Several examples of very extreme cases where it was necessary for a Selectman to petition were brought to our attention and this is what we think he ought to be allowed to do it.

Secondly, the terminology of a putative father hold-

ing himself out to be the father, is an attempt on our part to perhaps second guess what the court might do if in this situation but in this case we must weigh the desire finality in any termination proceeding. If we ignore a putative father who is out whether it be in a bar and grill or where it is saying I am the father of that child we ignore him and his proceeding and we allow the adoption to go through and 6 months later he decides he wants to contest it I think we have problems on our hands.

We therefore, went in the direction of perhaps being over cautious in who we notify rather than under cautious. Remembering again, that giving this putative father notice doesn't necessarily give him any rights. It gives him only the right to come in and say what he wants done. It doesn't say that the Judges is going to follow his suggestions or give him the child. So it is simply getting rid of him and if you want to put it that way, in the very early stages of this so he can't come back and haunt us later.

Your third comment was on page 13, line 397, I spoke to that before, and I think this statement as it is drafted does bear our very careful view and I think that was, I agree with the point.

REPRESENTATIVE HEALEY: One of the things that bothers me about this notice provision on the person whose held himself out to be the father. You are required to give notice how do you know who has held himself to be a father?

GLENN KNIERIM: It is a good question and a very difficult one to answer because in many cases we will have unwed mothers who refuse to give the name but what it tries to say is if the name comes to us in either the probate court or the juvenile court lets notify him. So we can get him out of the way now.

I suggest that is one of the purposes of the public hearings to listen to suggestions like that.

EMILY MOKRISKI: I am Mrs. Emily Nugent Mokriski testifying before you today on behalf of the Board of Directors of the Connecticut Child Welfare Association.

Raised Committee Bill #5735, AN ACT CONCERNING ADOPTION, seems to us to be a positive step forward in the evolution of sound adoption legislation begun by this General Assembly last year.

In particular we are impressed with the tools given to the Juvenile Court in termination of parental rights hearings. We believe that the Juvenil Court will be capable of acting with more dispatch in certain situations which here-to-fore have caused children to languish in foster care.

We are confident that this bill makes possible the prompt completion of adoptions which were begun prior to October 1, 1973 and remain incomplete because of the Probate Court determination that our current statute did not permit them to proceed. Also, we are assured that children from out of the state and out of the country who are appropriately placed through child-placing agencies can be adopted by Connecticut citizens. We are further assured that Connecticut's commitment to keep out the Black and Grey markets in adoption has been preserved.

We urge one change in the bill. We are unable to determine in what way the change of wording from "the selectman of any town having in charge any foundling child..." to "a selectman of the town in which such minor child resides" adds to the quality of this proposed legislation. Indeed since selectmen may currently protect a child by petitioning the Juvenile Court under the current neglect statute, we see no reason why all selectmen need to be able to petition in court for a matter so serious and final as the termination of parental rights. We urge that you retain the wording of the current statute regarding the selectman.

With this one modification we can assure the Judiciary Committee and the General Assembly of the enthusiastic support by the Connecticut Child Welfare Association for this proposed legislation.

JUDGE KINSELLA: Thank you Mr. Chairman, my name is Judge James H. Kinsella, appearing as present Judge of the Connecticut Probate Assembly. We appear in support of this measure designed to smooth out some of the problems that were discovered in the enactment and implementation of 73-156 of the 1973 General Assembly.

What has happened? In the absence of this particular measure now being enacted. In two instances, that I know of, is that prospective adopted parents have moved into the black market in a sister state. They have found too difficult to get a child here under the prevailing provisions of 73-156. Thus they have gone into that black market which the General Assembly has scrupulously prevented prior to the enactment of 73-156.

In addition to the point raised by Rep. Healey, we have had to notify as many as four prospective fathers because the mother did not know who the actual father was. We have also been faced with the dilemma of being asked to notify a man as the prospective father who was married living with his family. Denied that he was the father and the girl insisted he was and wanted him removed and terminated. She had the right to have him terminated. I think this act erases most of those problems so that they won't reoccur. The committee and Judge

Knierim and everyone has contributed an awful lot of time and effort to making it work as you want it to work. We stand ready to support this act and in what ever fashion you wish to enact it.

SENATOR GUIDERA: Judge you say that this clears up most of the problems do you mean most of the problems or the problems that are still left by this bill?

JUDGE KINSELLA: No, the problems that are cleared up by ones of complete adoptions where no termination took place yet placement has been after October 1st. We have received word from the Assistant Attorney General that we can't complete that adoption because termination hasn't taken effect. It hasn't taken place. After termination you cannot give oath when an adoption application is filed, that termination of the took place and the statutory parent was appointed. Therefore, you can't complete the adoption. That flaw, that kind of flaw.

SENATOR GUIDERA: Do you feel that we can move ahead now if this bill passes and that there are no significant problems with the act of this amendment?

JUDGE KINSELLA: I think absolutely sir.

REPRESENTATIVE ARGAZZI: Judge Kinsella, you don't agree with the Rep. Healey then as far as amending the language bearing the putative father you would like the language kept as it is?

JUDGE KINSELLA: No, when you say anyone who holds himself up out to be, I don't know what definition legally what definition you are following. Are you following Dover vs Dow as a Superior Court case here? Are you following Stanley vs Illinois? A man who had supported the children for years. What does that mean held himself out to be? That he declared himself in the Circuit Court to be the father? Has he been adjudicated in a legitimacy proceeding?

REPRESENTATIVE ARGAZZI: You brought up the point of a person denied he was the father so Rep. Healey was getting to the point that if you find out that there is a possibility someone is the father you should notify him when in the case where the person denies he is the father you don't want him to be notified.

JUDGE KINSELLA: Then how do you get him to deny it that he is the father? You don't want him to be notified. Then how do you get him to deny it in writing? If you don't get it in writing and he says don't notify me and cahnges his mind. I think many people tell you that in these adoption proceedings as they go over a years time there is a fluctuation of the emotional level of the people dealing with it.

While they may feel blow hot one day and the next day it is cold. They change their mind. They decide that they would rather either not go through with it the adoption proceeding or they would proceed to termination.

JOHN HEALEY: Mr. Chairman, I would like to go ahead of Commissioner Norton, I am third down on that list and I will send Mr. Budney to get Commissioner Norton.

My name is John Healey, I am the acting Director of Social Services for the Connecticut State Welfare Department. We have changed our order that we were going to speak I want to only talk to two major items that are in the bill and two rather minor items I hope Mr. Budney will comment much more in detail on the bill and then the Commissioner will address the committee.

I feel very keenly about, and this is in the order of priority, line 397 which I believe clearly opens the door to independent adoptions in the state of Connecticut. Connecticut has long prided itself on our ability to eliminate the grey and black market adoption. I believe by changing that one word from or to and we will continue to have a very fine bill fine law rather and one that will not open the door. I think this has been mentioned in the past however, it does seem to me very urgently important, that the way children should be placed in adoption is that first there should be a home study and then there should be a decision in terms of the ability of the parents to care for the child and then the child should be placed. There is an increasing demand for babies in Connecticut that people are going out of state and are bringing babies back to Connecticut.

If we allow this to happen in this way and only go for the "hardship" I will venture the guess that we will right back where we were prior to the initiation of our new adoption law. As an old times welfare worker I have committed many children as neglected and uncared for to the commissioner of welfare prior to the time we had a current law and I would be very vehemently opposed to doing anything to open up the door to these grey market independent adoptions. I feel very keenly about this point, I feel that this is one of the greatest loopholes that continues to be in this law. I don't myself feel that we in any way shape or form allow independent adoptions to come back in to Connecticut. It is ironic that we are being asked to go throughout some parts of the United States helping states to draft legislation that would stop grey market, black market adoption and at the same time would earn Connecticut struggling with a very technically complicated a very positive

kind of a bill. I would hate to see Connecticut open up the door in any way to allow this to occur. I have sealed it by changing that and to or in line 397 that we are allowing this to happen.

Secondly I would like to speak about line 48, with regard to the selectmens ability to file for termination of parental rights. May I point out that this opportunity would only be available to the first selectman at the time that the unwed mother or the mother did not wish to relinquish her child for adoption. That if she voluntarily wanted to release her child it would then be possible for her, herself to file the petition. So that the only ones that we are talking about are the ones would be contested on the part of the unwed mother. We feel keenly that the best place for the child is in his own parents home and that placement should only be allowed as a second best resource. Now that does not mean that we oppose or that I oppose placing children in adoption I am very much in favor of it adoptions. But a lot of time in the adoption field however, it does seem to me that the place to decide whether a child is neglected and cared for because that is the finding that would have to be made before their could be a termination of parental rights against the unwed mothers wishes. The place for that is duly recorded in the statutes right now in 17-32 which allows the juvenile court to make those kinds of final decisions. They are fine decisions whether a child should be removed or not. It seems to me that if a first selectman has the ability, and by the way, in this statute and it has been this way for rather the commissioner of welfare has not got the right to bring in a petition for termination of parental rights and the probate court where the mother is not in agreement with this. The mother files that petition so you in fact are granting to the first selectman a right that does not exist in parent statute or in your proplsed cahnges for the commissioner of welfare. I feel that the proper court for neglect is the juvenile court. I feel that it is the juvenile court that should have the petition for the alleged neglect occur. Now the first selectman has the right by law, to raise a petition or to file a petition in the juvenile court when he feels that a child is being neglected and uncared for. It seems to me that that is the correct vehicle. You must remember that many, many probate courts and many, many towns in Connecticut not all have the sophistication of the large probate courts, will have the welfare department in some of the larger cities do. Seems to me that our current system in the juvenile court should prevail where children might be neglected and uncared for by their mother that does not wish to give them up for adoption on a voluntary basis through the filing of a petition terminating parental rights. It seems to me to be a very important point and one that I wish you would reconsider.

COMMISSIONER NORTON: Mr. Chairman, my name is Nicholas Norton, I am Commissioner of Welfare for the state of Connecticut. My testimony to you is primarily to express to you the gratitude held by us for the amount of time that this committee and the probate judges and the private agencies and so many other interested people have devoted to giving us what has been described I think accurately as one of the fine pieces of adoption legislation in this country.

You have heard some comment from Mr. Healey, you will hear some additional comment from Mr. Budney, concerning some reservations we still have which I hope you will give your consideration but more particularly once again let me thank you for the consideration you have already given and the help you have given we know that we can continue to administer and ever better administer a good adoption program in this state with your help.

Thank you.

MR. BUDNEY: My name is Robert Budney, I am the Welfare Department Adoption Consultant, I would like to speak in support of bill #5735, and also note some concerns that I still have regarding this piece of legislation.

May the revisions that I worked on with the probate court committee as well as the legislative committee were designed to correct omissions and technical defects in PA. 73156. I suffice to say that it as the administer of this law the current law has given me some degree of difficulty as far as adoption go in this state.

The major problems that I see in the current law, among the major problems, are the fact that it does not provide for foreign or out-of-state adoptions and I think that has been mentioned before. None of these agencies can give in adoption to parents in Connecticut.

Secondly, we are unable as are other agencies, to use old removals and by old removals I mean those obtained in the probate court prior to October 1st. 1973. And old terminations of parental rights obtained in the juvenile court in order to be, apply for a statutory parent to give an adoption. The corrections proposed and permitting us to do this are as follows; in the current revision; First of all, the current revisions in section 1, the definitions under child placing agencies permit us to not only, permit us to approve a child placing agency as well as a license, we were stuck as you will with not being able to approve or license rather out of state agencies because they were not within our jurisdiction. With the current changes we can now approve these agencies as we use the same standards to approve as we do to license these agencies.

The second area of clarification and correction is the

business of what I would call the "grandfather" clause. There are essentially two phases to this "grandfather" clause, the "grandfather" clause in section 7, I believe it is, that permits us to use the old terminations as well as a "grandfather" or validating clause in section 15, which permits us or validates if you will, those adoptions that were completed after they were filed before October 1 and completed after October 1st. I would call your attention however, to lines 262, 263, and 264 in the revisions that is 5735.

I too was concerned initially when I read October 1st. under the provisions 4543, as amended by section 19, my first reading of that seem to set up a condition where we were permitting the grandfather clause to use the bill terminations and removals and yet by the next stroke of our pen we were revolving door them out. I frankly no longer have that concern I think that it speaks clearly in the law that we are speaking to 45-43, as it currently stands and as it stood if you will, before October 1, '73. In line 263, there is I believe an omission after Public Acts 1973; I believe there should be C. termination of parental rights of all persons as occurred under Connecticut law.

Let me just add also that some of the other beneficial changes I see in the revisions are in sections 6. Where I believe a positive attempt has been made to clarify the grounds for termination and develops similar standards for both probate and juvenile courts. In addition in this section and in section 3, there exists the possibility of waiving one year, the one year wait before we and other agencies can file the termination parental rights. Currently this may be waived for the child under three but it has been our experience frankly, that we have many children over the age of 3, that we need this to be waived for so that we may move quickly and appropriately in developing a permanent plan for those children.

In section 4, page 5, regarding the putative father the revised language I believe recognizes the status if you will of alleged fathers or putative fathers who verbally acknowledge they are the father but will not sign an acknowledgement. Our agency and I am sure private agencies have many of these fathers and the current revisions I believe are designed to address themselves to that problem, whereas, if a man is holding himself up to be if you will the father, the very least that we should do is to bring him before the court and have what ever rights he does have terminated. This section, however, does not address itself to the father who is, alleged father who is unaware of the pregnancy and who perhaps if he knew of the pregnancy would come forth and acknowledge paternatly and provide a plan for the child. I frankly don't know of any statute

that anyone could devise that would cover that difficulty. I think that there are other stipulations in the statutes at, as far as appeal periods that would be safeguarding those types of putative fathers. I frankly believe that we will have so very few of those and it is so difficult to legislate for that type of father that the existing statute or the revision if you will, would suffice. To the major problem areas that I would frankly like to address the committee, on have been mentioned before and I would like to stress again my opposition to line 48 and in the current revisions which give this selectmen the power to petition a termination of parental rights.

I think a basic purpose of 73-156 is to expedite the process by which children are freed for adoption. In spite of the benefit of the approach it should not be taken at the expense of the families who may be neglected in their children. But without the provision of services to determine the suitability of the home for, of that home for permanent placement. In contact with protective services and provision of family services or eventual commitment of and removal of the child from that homes. The family is unable to be re-united with the child then a termination petition as a prelude to a adoption is indicated.

Currently there is statutory language which is 17-62, that provides an avenue for the selectmen to bring to the attention of the court cases of abuse or neglected children. Giving the selectmen the power to petition to terminate parental rights is too powerful I believe and an initial step for them to take. There should be provision and services that determine fit and unfit of the parent or a voluntary relinquishment of parental rights to a licensed agency or the commissioner of welfare before such termination is applied for in the probate court.

We are concerned that many of the potential terminations will be dependent on neglected children who should not be terminated perhaps but have services provided to the family to restore family harmony. Some of the court and selectmen believed and are drastically concept an the implications on filing for termination before a family is assessed as having no ability to provide a permanent home for their children. Other petitioners I would remind you that except for relative of deserting parents are agencies skilled in investigation and provision of social services to determine a families ability to provide a home for the child.

Some obvious problems arise I believe if the selectmen are given these broad responsibilities. Who will do the investigations prior to petitioning? What experience and training do they have as investigators of neglected or unfit parents? What standards will selectmen use to file such termination petitions? If permitted to stand

I am afraid the provision will open the backyard feuds and neighborhood conflicts and involving the selectmen and people within their town. The proposed changes places too heavy a concentration of power in the selectmen who do not always have the skill or staff support to make a valid petitions and who historically have been reluctant to use the powers already given them in Connecticut General statutes 17-62.

In the event a neglect situation does arise or situation where termination of parental rights is thought to be in the child's best interest, the selectmen should use statutory provisions already open to them or refer the matter to a child placing agency or commissioner of welfare before petitioning to terminate parental rights.

The second and I have a copy of that, for the committee, the second area deals with the problem of line 397, and again let me add that I would support the changing of that from or to and. I believe that as it stands now it does permit us or it does permit independent adoptions and if someone who is professionally philosophically and personally opposed to such a adoptions I would urge that the legislature tighten this provision to exclude the possibility of independent adoptions by using section 10 of this revision. Thank you.

REPRESENTATIVE BARD: As chairman of the sub-committee I would like to personally thank you for your time and effort and suggestions in this area and I am sure that the suggestions you offered, the department has made will be taken into consideration. Am I to understand that the welfare department would support the bill with the appropriate changes that you have suggested?

MISTER BUDNEY: Yes.

WILLIAM WHOLAN: Distinguished members of the Judiciary Committee, I am William J. Wholan, Executive Director of the Connecticut Catholic Conference which speaks for the three Roman Catholic Diocese in the State.

It looks like a long hearing and I shall be brief. The Catholic charties and family services organization operating in the three dioceses commend the Judiciary committee for the fine job you have done in drafting revised committee bill 5735, it is a good but overdue updating of the adoption law. While generally supporting the bill, we do have some problems. I respectfully call your attention to section 4, page 6, line 153, the phrase "has held himself out to be" is ambiguous and vague. We feel this should be more specific. In section 2, page 2, line 48, we feel that

the designation of a single selectmen is dangerous and gives excessive power to one person. I have been unable to determine whether related adoptions include the grandparents if they are not already included we feel that they should be. If our suggestions can be adopted we feel HB 5735 should insure, should receive a joint favorable report. Thank you.

JAMES F. WATT: My name is James F. Watt. I direct the Hartford Office of Catholic Family Services and I am Assistant Executive Secretary for the Corporation, Catholic Family Services, Archdiocese of Hartford, which represents seven District Offices in Hartford, New Haven and Litchfield Counties. I am here today to speak on behalf of the Catholic Family Services of the Archdiocese.

I am here to speak on Bill # 5735, AN ACT CONCERNING ADOPTION. Our agency is a private, voluntary agency which places more children and finalizes more adoption in the state of Connecticut than any other private agency. Statistics as related to our work are available from the State of Connecticut, Welfare Department, their last complete report for the year ending June 30, 1973.

Catholic Family Services believes that Bill No. 5735, which proposes amendments to the act revising the laws with respect to adoption passed one year ago, has many decided improvements over last year's bill. We believe in the philosophy of insuring further protection for the rights of the child and adoptive parents. We feel this is a strong point in this bill where the legal process in terminating parental rights of the natural parent(s) secures this protection.

On the other hand, our agency is very concerned about the section in the bill pertaining to the rights of the putative father of the born child. At a recent meeting of the Board of Trustees of Catholic Family Services, Archdiocese of Hartford, this particular section of the bill was discussed and it was felt by lawyers and Judges represented on this Board of Trustees committee that this section is loosely worded and the interpretation of its meaning could be carried to many extremes and slow down the whole process of freeing for adoptive placement those children for whom adoption is being planned. The attorneys who have given Catholic Family Services counsel as pertaining to this section have indicated that it does not spell out any rights of the putative father and concurrently with this, no obligations or duties that he assumes while it is expected that he will be removed as parent of the child in the legal process. The agency is very concerned that the basis for the Connecticut law change in this regard is based on a court case in Illinois, namely Stanley vs Illinois, in which the putative father was found to have legal

rights to children that he had fathered and should be removed in the court process. This test case was a situation in which the father of the children had lived in a common-law relationship with a woman for over fifteen years and had been in fact a parent to the children prior to his common-law wife's death at which time there was an attempt on the part of the State of Illinois to place the children for adoption but the man contested this action and won in a test situation. This is entirely different in the general situations here in Connecticut where the father, in most cases, either has no continuing involvement with the mother after she has become pregnant and in very few instances any continued interest with mother and child after the child is born and when this child may be considered for adoptive purposes.

Catholic Family Services believes that in the attempt to be sure that all rights of the putative father are observed, that the legal process has so slowed down the freeing of children for adoptive placement that it can seriously effect the private agency's ability to remain in the child placement field. Before the law changed a year ago, children were able to be placed very early into adoption homes, many times from the hospital, and this was beneficial to both the child and to the adoptive parents from a psychological point of view. If this new bill is approved, it could mean that children will be in foster care for two, three and more months and which will seriously effect the agency's ability to financially support these children in foster care before placement.

Catholic Family Services would respectfully recommend that this particular section, that is related to the involvement of the putative father of the out-of-wedlock child, be re-looked at and be more specific in spelling out what particular steps have to be taken to insure the putative father's legal rights, just what these legal rights are and then concurrently, what are the duties and responsibilities that he assumes. Thank you very much.

CAROLINE MURRAY: My name is Caroline Murray, I represent the Open Door Society, of Connecticut, we are a group of families in Connecticut who have adopted hard-to-place children, and we are very concerned about adoption.

We were very pleased to be included in on Rep. Bard's discussions and we have many, many more things to say for this then against. We have a few suggestions we would like to make but in general, I would say that we very strongly support their fine work that Rep. Bard group has done on this, bill 5735.

First of all I would like to bring to your attention

section 23, of 73156, the law that is now in effect. Section 23 would, requires that a report on the status of each child .....of the welfare commissioner be filed at the February 1st of each year. We understand that this report has been filed I would like to recommend to the Judiciary Committee, that they consider making a stronger measure in the section.

I have just returned from the North American Conference on adoptable children and I find in other states that some very fine work is done in reporting the status of foster children. Some of the states have even gone so far as to require a judicial review every year or two years. They have done this by setting up a tracking system within the welfare department of these states. In requiring a six months or every year agency review of the children's situations and then putting all the information on computer so that those children who have stalled in the system can be automatically reviewed in a court situation either every year or every other year. I would highly recommend considering such measures.

I then bring your attention to section 5-b, page 7, of 5735, this is an addition that was made since Rep. Bard's committee last met, and I have a question that about the way in which this might be interpreted. I am wondering if this additon means that each child will be entitled to legal counsel?

Third I would like to bring your attention to section 7, on page 9, in line 263. I agree with this before me that there should be a change of wording here, to include a part C, followed by the words termination of.

Fourth I would like to bring your attention to section 9, on page 12, on line 357, I have some suggestions that I think would make this a little more readable I believe that the word has, should be changed to have the word that is at the very end of that line and I believe on the next line of line 358, following 3, the word was, should be deleted and after the word of should be put the word former. I think that would make it, a little more sense.

I suggest section 10, on page 14, line 440. When adoption is applied for and investigation and report is required which indicates the facts about the child, about the parties to the agreement, which I understand would mean the adoptive parents, and also on line 440, this report should include information about the natural parents of the child if known. I would like to see the words and the natural parents of the child if known deleted. Because I feel at this point that their rights have been terminated and that there clearly out of the

picture.

Next, in section 12, on page 16, this section refers to the time allowed for appeal. In reference to those parties having no notice, having received no notice, I would like to see the new capitalized wording deleted. And immediately preceding I would like to see the words 12 months changed to 90 days. I feel the way reads now, that only those people who appeal the decree of adoption would be allowed only the 90 days to appeal. I don't really foresee anyone appealing the decree of adoption however, I do foresee people appealing the decree of termination of parental rights.

Finally, I would like to speak to the selectman's ability to petition which is found in I believe in section 2. As I understand it if the selectman petitions for termination, then this consideration goes to the probate court if it is consented to and if it is contested it goes to the juvenile court.

I would then like to bring your attention to line 193. Here the juvenile court where the contested case comes, is required shall request a report from the welfare commissioner or a child placing agency. Therefore, I think that the contested cases wouldn't be thoroughly looked over by those people qualified. I support the ability and I feel that our group also does the ability of the selectman to file for termination of parental rights. Thank you very much.

ATTORNEY PIAZA: My name is Anthony A. Piazza, I am for the bill, but, I would like to get certain things on the record that I think that the order of concern should be that of the child first then the mother and than the putative father. Also think it is important to keep in mind the sooner the child is placed the better off the child would be.

Thirdly, I think we should have where necessary, a waiver provision for the father being if the father doesn't do something in X amount of time it is waived.

I would like to draw the committee's attention to section 4, page 6, lines 161 through 163. Those lines talk about publication in a newspaper as notice. I would like to ask the committee this, lets say the girl of the baby does not wish to anyone know who the father is. How would that father get notice? I agree with you on, it would be foolish to put a blind ad in the newspaper. However, in the Stanley case, it was pointed out that notice by certified mail or notice by publication with personal certified mail service could not be had or when notice is directed to one known respondents under the style of all of whom it may concern. So the Illinois law has a provision

for newspaper notification. I think that is very poor and I against it but I the Supreme Court may require something like that and if that is required I think it should be done by date of birth and town of birth and not by name.

ATTORNEY COSTANTINI: Friends of Children, Inc., is a charitable non-profit organization, incorporated in the state of Connecticut. Our concern is for the welfare of all children in need. Our purpose is two-fold; to aid orphaned, abandoned and sick children in South Vietnam and other geographical areas of need, and to assist families in Connecticut seeking adoption of a child. We have followed closely the history of the adoption changes under study today as we have a vested interest in these adoption laws. Friends of Children, Inc. has made application with the Commissioner of Welfare of Connecticut for license as a child placement agency.

First let us say that we appreciate the time and effort that has gone into the writing of the proposals to the amendment of PA # 73-156. We would like to thank all those involved; Chairmen Bingham and Guidera and members of the Judiciary Committee, Representative Bard's task force, Probate Court Judges, representatives of the state Welfare Department, representatives of the private adoption agencies licensed in the state of Connecticut, representatives of the Child Welfare League, members of Open Door Society, interested organizations and concerned individuals, all of whom have so generously given of their time and knowledge to draw up proposals for the adoption legislation which, we believe, will help to make Connecticut one of the leaders in the field of child welfare.

Friends of Children endorses the proposals as set forth in this hearing today, and has only one or two small points that we would like to see either clarified or incorporated into the amendments to PA. No. 73-156.

As we understand it, many problems have arisen over the naming of statutory parents, particularly in the cases of children coming from outside the state of Connecticut. Under the present adoption laws it would appear that an out-of-Connecticut agency holding guardianship of a child to be placed for adoption in Connecticut cannot be named statutory parent as they cannot be licensed by the Welfare Commissioner of the state of Connecticut. In the proposals under discussion today we are pleased to note that a provision has been made for the Welfare Commissioner to approve out-of-Connecticut agencies who hold guardianship of a child to be placed for adoption in Connecticut so that said agencies may be named statutory parent of that child prior to the child's adoption in the Probate Court of

Connecticut. The outcome of many adoptions in Connecticut will rest on the term "approval". In accordance with the legal concept that laws must be specific to be effective, we feel a definition of the term "approval" is called for under Section 1 of the proposed amendments. Specifically, we suggest that out-of-Connecticut agencies that are licensed in another jurisdiction for the purpose of child-placement be defined as "approved" by virtue of the fact that they have satisfied the requirements for licensing in the jurisdiction in which they are licensed. If, on the other hand, it is the intention of the Welfare Commissioner to establish requirements in addition to those called for under the provisions for licensing in the jurisdiction in which the applicant agency is licensed, such as those requirements found for licensing in Sec. 17-49a of the General Statutes, or any other requirements, then we suggest that these requirements be set forth in this amendment to PA 73-156. We further recommend that a separate set of requirements be set forth for out-of-Connecticut agencies who hold guardianship of a child but who are not licensed as child placing agencies.

Secondly, we note there is an absence of any specified time period for consideration of applications by agencies either seeking licensing with the state of Connecticut or approval outside the state of Connecticut. We would suggest that a definite time period be set.

Finally, as this proposal provides for the approval of out-of-Connecticut agencies, we would suggest that Sec. 17-50 of the General Statutes covering investigation, Report, Revocation of license, and appeal be broadened to include "approved" agencies as well as licensed agencies.

Accordingly, we submit the following recommendation for consideration by the Judiciary Committee of the Connecticut State Legislature in regards to the writing of amendments to PA 73-156;

1. That a definition of the term "approval" in relation to out-of-Connecticut agencies be included in the list of definitions in Section 1.
2. That approval constitute acceptance of the requirements set forth in the Jurisdiction in which the out-of-Connecticut agency is licensed, and, if the Commissioner of Welfare intends to impose any additional requirements, that all such requirements relative to application by an out-of-Connecticut agency for approval and all standards under which the Commissioner acts in approving or disapproving said application shall be listed in the amendment to PA 73-156. That separate requirements be listed for those out-of-Connecticut agencies licensed for child placement as opposed to those not licensed for child placement.

3. That a definite period of time be set in which the Commissioner must act on the application for licensing or approval of a child placing agency. That the period should begin upon the application being final, and that failure to act within this period of time would constitute constructive approval.

4. That in Sec. 17-50 of the General Statutes that the title be broadened to read, "investigation, report, revocation of license or approval. Appeal, and that that sentence which reads, "Any party whose application is denied or whose license is revoked by the Welfare Commissioner may, within ten days thereafter, appeal from such adverse decision to the court of common pleas to a return day not less than twelve, or more than thirty days after service thereof.", should be amended to read, "any party whose application for licensing or approval is revoked...." (the changes are underlined in the text.)

Thank you for this opportunity to present our views on the proposed amendments to the Omnibus Adoption Law PA 73-156. In closing, we wish to repeat that we support the proposals under study today, and hope that our suggestions will be incorporated into the adoption law.

REPRESENTATIVE BARD: Hearing is adjourned.