

Legislative History for Connecticut Act

SB377

PA 170

(Fwy)

1975

Judiciary: 427

(1)

Senate: 1247-1249

(3)

House: 2378-2382

(5)

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JUDICIARY

JUDGE KNIERIM: (CONTD.) The Welfare Commissioner does not want the responsibility of deciding which of these cases should proceed with adoption and which should not. And therefore I think if the three main Groups that are concerned with adoptions are put together on a Board, one from Probate Court Administrator, one from the Welfare Commissioner or his designee and one from the Private Agencies to review these cases on an individual basis just to see where maybe where the requirement should be waived I think we will help a great many children who are right now in limbo. And I hope you'll give the Bill your favorable consideration.

BILL 1418, which deals with a child's right to petition for termination of parental rights. The, again the new Adoption Law drafted, was carefully drafted so that when the Juvenile Court had jurisdiction over a matter, we would not get into conflict situation and have that matter come back to the Probate Court. And therefore when the Juvenile Court commits a child to the Welfare Commissioner the Welfare Commissioner can't come to Probate Court to petition termination of parental rights, because the case is already in Juvenile Court. This Bill would allow the child in that very same case to come back to Probate Court, even though all his records are at Juvenile Court and the commitment has taken place there. And so I oppose that section which is Section 1-A5, which would allow him to come back to Probate Court because I think it thwarts the original understanding that we had when Public Act 74-164 was passed. I have no comment with respect to Section 2A in the Juvenile Courts, but I don't think that they should be allowed to come back to Probate Court.

BILL 956, deals with Confidentiality of Adoption Records. The Statute involving Confidentiality of Adoption Records has been ambiguous for several years. Unfortunately we didn't pick this up when we the new Adoption Law last year. The problem is that certain records in the adoption process are declared to be confidential and put in sealed files. But the book into which those records are recorded is not made confidential by the Statute. That's one problem. The second problem is that Public Act 74-164 extended the adoption process to many more fields. The termination of the parental rights which we had never had before in Connecticut. The appointment of a Statutory Parent which we had never had in Connecticut. And this Bill 956 would extend the Confidentiality Provisions to all of the steps in the adoption process which we failed to do last year when we drafted the Bill.

And BILL 377, deals with essentially the same problem. When we drafted the new Adoption Law, we also tightened on the Confidentiality by refusing to allow even adoptive parents and the adopted child to enter the adoption records in Probate Court unless cause could be shown. But we failed to extend the Law in the same manner to Birth Records and as you know, the original Birth Certificate contains some of the information which we are trying to keep confidential in the Probate Courts. And so BILL 377 would take care of that oversight last year. It has been discussed with Mr. Burdow in the, not the language of the Bill but the concept has been discussed with Mr. Burdow in the Public Health Department and I believe he is in favor of that extension.

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JUDGE KNIERIM: (CONTD.) So that no one could see the original of a Birth Record without showing cause in the Probate Court why he needs to see that original. I personally think that once adoption takes place the parent or parents who gave up the child are entitled to that privacy later if they want it and I think the child is also entitled to that privacy and that it only should be waived when we have cases of need. Are there any questions on any of the Bills. Yes Sir.

REPRESENTATIVE JOSEPH WEIGAND: The lesson to be learned is to sit in the front row - - - You were just addressing to confidentiality. I know that there's one person and possibly several others that are concerned about BILL 5452, which you spoke about just briefly. But there is a matter in that Bill, and I think this what Chairman Neiditz was referring to. ah, Representative DeZinno spoke on this Bill, ah there is language here ah, in Line 21 shall substitute the new name and I think the concern is that this be obliterate and substitute rather than just substitute. Because as I understand new, and I know I'm opening this up to a concern of a woman I know is here. Now a line is drawn through the name then the other name is substituted, which does nothing for the privacy, you know that you were just talking about. This is another extension of the privacy and confidentiality problem.

JUDGE KNIERIM: Yes, and now that I am aware of them, the problem that he was speaking about, I think to obliterate would, if I, it had been in there in the first place I would have understood what he was trying to do with the Bill. I think, I think it's a good admendment.

SENATOR DAVID NEIDITZ: Representative Tobin.

REPRESENTATIVE ROBERT TOBIN: On 6626, it's a question of other proceedings and visitation rights being involved. I have a question I know that there are some cases pending around the State involving actions for adoption where there are pending paternity suits, particularly involving some Welfare Recipients where the State is really the party in interest in the paternity suit because of Welfare Payments. I get the impression that as it presently stands that the Probate Court might be somewhat reluctant to undertake jurisdiction merely because there is a paternity suit pending. Although, the father really has no interest in the child he's never visited the child, and the State is prosecuting for payments that it has made. You see that as a problem and it should be dealt with by Statute so that the Probate Court could go on with the adoption proceedings not-with-standing?

JUDGE KNIERIM: It could possibly be a problem. I wasn't aware that there were cases pending. If the result of the paternity suit might be to adjudicate parenthood and that would elevate the putative father to a greater status under our Adoption Law, I could see where a Probate Court might say, if a Paternity Suit is pending we had better not go forward on the adoption or the termination of parental now. And I think for good reason. I don't think that we ought to Legislate that out of existance. I think