



CATHOLIC SOCIAL SERVICES

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TESTIMONY SUBMITTED AT THE DALLAS HEARING ON THE PROPOSED MODEL ADOPTION ACT-APRIL 14, 1980

I AM HERE SPEAKING IN BEHALF OF THE FIVE CATHOLIC MATERNITY HOMES AND ADOPTION AGENCIES SPONSORED THE SIX CATHOLIC DIOCESES IN LOUISIANA, A MEETING WAS HELD AMONG THESE AGENCIES TO DISCUSS THE MODEL LAW. MY REMARKS REFLECT OPINIONS ON WHICH WE HAVE GENERAL CONSENSUS.

WE UNDERSTAND AND APPRECIATE THAT THE MODEL LAW AS EVOLVED THUS FAR ALREADY REPRESENTS COMPROMISES, A STRIVING TOWARDS RECONCILIATION. THIS IS A WORTHY GOAL AND WE BELIEVE THAT IT HAS BEEN APPROACHED IN GOOD FAITH BY PARTICIPANTS QUITE FAIRLY REPRESENTING EVERYONE INVOLVED. THE PROCESS INVOLVED IN THE FORMATION OF THE MODEL LAW HAS BEEN, IS AT THIS MOMENT, AND WILL BE IN STATE LEGISLATURES DEMOCRACY AT ITS BEST.

A GOOD MANY OF THE EXPRESSED CRITICISMS OF THE LAW I SEE AS A SMOKE-SCREEN TO COVER CONCERN ABOUT OPENING THE DOOR TO SEARCHES. I DO NOT DISCOUNT THESE ANXIETIES NOR SUGGEST THAT THEY SHOULDN'T BE FELT, BUT I CAN SAY THAT NO ONE REALLY NEED

OBSESS ABOUT THE DANGERS OF ADULT ADOPTEES OR BIRTHPARENTS RUNNING LOOSE IN THE STREETS.....THEY ALWAYS APPROACH EACH OTHER WITH CARE AND TACT,AS WELL AS ANXIETY. THEY ARE MOTIVATED BY A DESIRE FOR ACCEPTANCE, NOT REJECTION, AND BEHAVE ACCORDINGLY. I AM THOROUGHLY CONVINCED THAT SUCH CONCERNS NOT ONLY CAN BE MITIGATED BUT ALREADY HAVE BEEN ALLAYED IN CASE AFTER CASE WHERE FREEDOM HAS ALLOWED SUCH.

THE ISSUE IS NOT WHICH SET OF PARENTS HAS THE GREATER RIGHT, NOR WHICH ONE THE CHILD WILL LOVE MOST. A PERSON WHO HAS BEEN LOVED WELL AND WARMLY WILL NOT WASTE THAT LOVE. LOVE CAN NOT BE MEASURED, NOR DOES IT EVER COME WITHOUT PAIN. A LOVED CHILD WILL MATURE INTO A LOVING ADULT WHO CAN LOVE IN MANY DIFFERENT WAYS. ADOPTEES TELLS US THAT SEEKING AND FINDING BIRTHPARENTS DOES NOT LESSEN THEIR LOVE FOR ADOPTED PARENTS. THIS EXPERIENCE ONLY MAKES THE ADOPTEE LOVE THEM MORE FOR GIVING THEM FREEDOM AND TRUSTING THEIR LOVE. THE FACT THAT ADOPTED PARENTS WILL TOLERATE AND WILL EVEN ENCOURAGE A CHILD'S CURIOSITY MEANS A GREAT DEAL, BECAUSE THE ESSENCE OF LOVE IS OPENESSES.

ADOPTED PARENTS CAN VALUE AND DEVELOP THEIR CHILD'S BIRTH HERITAGE,ADDING TO IT THE RICHNESS THEY OFFER HIM FROM THEIR OWN LIVES, OR THEN CAN DENY IT AND ENCOURAGE HIM TO REPRESS HIS CURIOSITY. IN THE FIRST INSTANCE THEY CAN BROADEN HIS

AND THEIR LIFE EXPERIENCES AND GROW TOGETHER AS THEY LOVE AND UNDERSTAND THE UNIQUENESS OF THIS CHILD. IN THE SECOND INSTANCE THEY TEACH HIM TO LIVE NARROWLY WITH FEAR OF WHAT THEY THINK AND WITH GUILT ABOUT HIS PAST. WHEN HE BECOMES AN ADULT HE CHOOSES WHAT HE MUST DO. HOW MUCH BETTER FOR HIM TO SEARCH, IF HE WISHES, WITH AN OPEN HEART RATHER THAN WITH A BITTER AND CONFUSED MIND.

SURELY IT IS INCONSISTENT TO SHOW FOREMOST CONCERN FOR THE CHILD AT PLACEMENT TIME, ONLY TO TELL THAT SAME PERSON 20 YRS. LATER THAT HE IS BUT SOMEONE WHO WILL FOREVER HAVE TO WORRY ABOUT THE CONCERNS OF OTHER MORE IMPORTANT PEOPLE. SIMILARILY IT IS INCONGRUENT TO DIMINISH THE URGENT CONCERNS OF A BIRTHPARENT BY RUSHING RELINQUISHMENT, ONLY TO FEIGN CONCERN FOR HER UNDISTURBED WELL BEING 20 YRS. LATER. DO WE REALLY NEED PROTECT HER FROM HER SON? MUST HE BE SHIELDED FROM HER? IS IT NOT BACKWARDS TO HAVE SONS AND DAUGHTERS PROTECTING THE FEELINGS OF THEIR PARENTS--BIRTH OR ADOPTIVE?

IN THE NAME OF MENTAL HEALTH, WHICH IS CONSISTENT WITH FREEDOM, UNDERSTANDING, AND LOVE WE WOULD LIKE TO KEEP THAT CORE OF THE MODEL LAW THAT DEMOLISHES THE STONE-WALL WHICH HAS SO FRUSTRATED ADOPTED ADULTS' SEARCH FOR IDENTITY. WITH THAT INTACT WE CAN GO ON TO REFINE THE OTHER DETAILS OF THE ACT TO OUR LIKING.

WE DO SHARE CONCERNS THAT THE TERM FATHER IS NOT ADEQUATELY DEFINED IN SEVERAL SECTIONS OF THE ACT. A LOOK AT UP-TO-DATE MICROBIOLOGY MIGHT EVEN BE IN ORDER IN THE FORMATION OF A LAW FOR FUTURE DECADES IN THAT PATERNITY CAN NOW BE PROVEN AS WELL AS DISPROVEN.

IN SECTION 303, THE LAW REQUIRES THAT RELINQUISHMENT BE DEFINED TO THE PARENT. THIS IS WELL AND GOOD PRESUMING THE NORMAL MEANING OF THE WORD AS PERTAINING TO A PERMANENT COMMITMENT. BUT TO THEN ADD THE RIGHT TO REVOKE THE RELINQUISHMENT WITHIN 14 DAYS MAKES THE ORIGINAL MEANING IN NIXONIAN TERMS "NO LONGER OPERATIVE". IT DOES MAKE SENSE TO ALLOW THE MOTHER FULLY ADEQUATE TIME TO EMOTIONALLY AND PHYSICALLY RECOVER FROM THE BIRTH. THE PROBLEM LIES NOT SO MUCH WITH THE 17 DAYS AS WITH SEMANTICS; BETTER TO CALL A TEMPORARY RELEASE JUST THAT AND SAVE THE FINAL RELINQUISHMENT FOR AFTER THE 17TH DAY IF THAT IS TO BE THE MAGIC NUMBER. BUT LET THE LAW NOT REGIMENT SUCH A PERSONAL EVENT. SOME BIRTHPARENTS ARE FIRMLY COMMITTED THE DIRECTION OF ADOPTION AND EQUALLY SOLD ON THE ADVANTAGES OF DIRECT HOSPITAL PLACEMENT. IN THOSE INSTANCES THE ENTIRE TRIAD SHOULD BE ACCOMMODATED BY AN EARLIER PERMANENT RELINQUISHMENT. "BONDING" CAN THUS BE SLIGHTLY ENHANCED, THOUGH THERE IS NO EVIDENCE THAT PLACEMENT WITHIN A FEW WEEKS DETRACTS SIGNIFICANTLY FROM VERY SOLID BONDING.

ON PAGE 10,629 OF THE FEDERAL REGISTER THE SUGGESTION IS MADE THAT IF A PERSPECTIVE ADOPTIVE FAMILY CANNOT AFFORD A MEDICAL EXAMINATION, THE AGENCY SHOULD ASSUME THE COST. THIS RAISES SERIOUS QUESTIONS ABOUT SUCH A FAMILY'S SITUATION AND HOW THE CHILD'S ROUTINE MEDICAL NEEDS WOULD BE MET. WE THINK THIS SENTENCE SHOULD BE DELETED.

ON PAGE 10,633 THE LAW PROHIBITS THE WORKERS WHO CONSUL THE PARENT FROM TAKING THE PARENT'S RELINQUISHMENT. THIS MIGHT BE THE IDEAL OR PREFERRED STATE OF AFFAIRS, BUT TO MAKE IT MANDATORY WILL A ^{WORK} HARDSHIP ON SMALL AGENCIES WITH VERY LIMITED STAFF.

ON PAGE 10,637 IT IS STATED THAT A PETITION MUST ALWAYS BE FILED WITHIN 12 MONTHS AFTER THE ADOPTIVE PLACEMENT BEGAN. WITH AGENCIES PLACING MUCH OLDER MORE DISTURBED YOUNSTERS, THERE COULD VERY WELL BE PLACEMENTS WHERE THE AGENCY AND WHERE THE COUPLE WOULD NOT BE READY TO FINALIZE THE ADOPTION IN A YEAR. WE THINK THE LOUISIANA LAW OF A MAXIMUM 18 MONTHS OR PERHAPS 24 MONTHS IS MORE REALISTIC.

ON PAGE 10,642 IT STATES THAT FOLLOWING TERMINATION THE BIRTHPARENTS SHOULD BE TOLD WHEN THE CHILD HAS BEEN PLACED FOR ADOPTION AND WHEN THE LEGAL ADOPTION TAKES PLACE. THIS COULD THREATEN CONFIDENTIALITY DURING MINORITY AGE YEARS ESPECIALLY IN SMALL COMMUNITIES, IF IT MEANS THAT THE EXACT DATE SHOULD BE REVEALED. SINCE IT IS NOT CLEAR WHETHER THE EXACT DATE MUST BE GIVEN OR WHETHER AT SOME TIME AFTER THE PLACEMENT THE BIRTHPARENT SHOULD BE INFORMED HER CHILD HAS BEEN PLACED FOR ADOPTION, THIS COULD MAKE FOR VARIATION AND INTERPRETATION IN PRACTICE. WE THINK THE INFORMATION BUT NOT THE EXACT DATES SHOULD BE SHARED UNLESS AN OPEN ADOPTION HAS BEEN PREVIOUSLY CONTRACTED BY BOTH BIRTHPARENTS AND ADOPTIVE PARENTS WORKING THROUGH AN AGENCY.

GENERALLY WE FIND THE MODEL LAW REFRESHINGLY CANDID AND WE WOULD WORK TOWARD ACCOMODATING ITS PROCEDURAL IDEALS.

PRESENTED BY:



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