

MINUTES

HOUSE JUDICIARY, RULES & ADMINISTRATION COMMITTEE

- DATE:** Monday, March 01, 2021
- TIME:** 1:30 P.M.
- PLACE:** Room EW42
- MEMBERS:** Chairman Chaney, Vice Chairman Hartgen, Representatives Kerby, Scott, Marshall, Troy, Young, Nate, Cannon, Erickson, Skaug, Gannon, McCrostie, Nash
- ABSENT/
EXCUSED:** Representatives Amador, Ruchti, Ehardt
- GUESTS:** Jayme Sullivan, City of Boise; Jason Boal, APA Idaho; Kirk Adams.
- Chairman Chaney** called the meeting to order at 1:35 p.m.
- MOTION:** **Chairman Chaney** made a motion to strike **H 197** from the agenda. **Motion carried by voice vote.**
- H 191:** **Rep. Dixon** presented **H 191** which permits a parent or guardian to use a temporary care assistance program operated by a qualified nonprofit organization to identify an appropriate and safe approved temporary caregiver to whom the parent or guardian can choose to delegate temporary care responsibility of a minor through a power of attorney.
- Christine Denova** of North Idaho's Safe Families for Children, testified **in support** of **H 191**. She gave an overview of the program, created to support families in crisis by caring for their children when they have no trusted family or friends nearby. She told stories of volunteers and the children who were impacted by the program. The vetting process was reviewed as well as the host families' training and agreements according to standards.
- In response to Committee questions, **Ms. Denova** stated she supports **H 191** because her program is operating under an exception from the Department of Health and Welfare; their program is currently dependent on the DHW's consent. She said the program has served three families in North Idaho. Ms. Denova stated that the program administrators do not go to court but do work closely with CASA and Health and Welfare agents.
- Jessica Ruehrwein** of the South West Agency of Safe Families for Children, testified **in support** of **H 191**. She restated the program's purpose and mentioned that it is endorsed by The Idaho Children's Trust Fund. Ms. Ruehrwein stated they have trained 29 volunteers and is getting calls every month from families in need. She presented research on the program which demonstrated effectiveness. The ultimate goal of the program is to keep families intact.
- In response to Committee questions, **Ms. Ruehrwein** addressed concerns on the definition of "temporary caregiver" as stated in **H 191**. She said the intent of the language was for parents to be able to give power of attorney to someone without it threatening their rights. Ms. Ruehrwein stated the program uses a power of attorney form as a formality but she didn't think this legislation would get in the way of how families currently operate in less formal capacity of assigning power of attorney to family and friends.
- Chairman Chaney** passed the gavel over to **Vice Chairman Hartgen** at 1:49 p.m.

In closing, **Rep. Dixon** said the intent of **H 191** is to protect parents' rights. Rep. Dixon has been working closely with The Department of Health and Welfare and has support from Idaho Voices for Children, and other agencies which are most concerned with child welfare.

MOTION: **Rep. Young** made a motion to send **H 191** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Dixon** will sponsor the bill on the floor.

H 59: **Rep. Young** presented **H 59** which would allow persons adopted on or after July 1, 2021 to access birth records, once they are 18 years of age. It will also allow the Department of Vital Statistics to create an indicator on the face of the certificate accurately identifying the relationship of the legal parents named on the certificate to the child. Rep. Young stated there had been some concern on the start date as it infers that those adopted prior to this date have less rights. She stated that this approach was taken because agreements for current adoptions have already been made and she does not want to disrupt that. Rep. Young said Vital Statistics would provide a birth certificate and report of adoption. In addition, adoptees would know which court to go to in order to access other information. She recognizes there is more work that can be done on this issue, and that there are places other than Vital Statistics where useful information is stored.

Rep. McCrostie, cosponsor of **H 59**, stated that as an adoptee he would not be declaring a Rule 80 because he was not born in Idaho and would not be seeking an Idaho birth certificate. He told his story of discovering he was adopted, his inquisition into his birth family and what it meant to connect with his birth siblings. On a practical level this legislation allows adoptees to find important medical history. He discussed the potential problematic nature of DNA information as a sole avenue for reconnecting.

Tim Monti-Wohlport, National Legislative Chair for American Adoption Congress, testified **in opposition** to **H 59**. His concern was the prospective nature of the bill and the provision in the bill that would put a marking on the certificate. He stated there were 59,000 sealed birth certificates in Idaho that would not benefit from this legislation. He cited Idaho provisions and codes to justify why these records should not be sealed to begin with and advocated for a retroactive and prospective proposal as a basic civil and human rights matter.

Kirk Adams testified **in opposition** to **H 59** because he believes in the adoptee's mother's right to privacy. Mr. Adams said there are open door policies in Oregon which he has seen as traumatic. He expressed concern that this legislation would lead to more abortions because it would make a mother more afraid to give her child up.

In response to Committee questions, **Rep. Young** addressed the timeline concerns and the potential for an emergency clause. She stated that she got push back from the professional adoption community with a retrospective timeline and the language of this legislation has been carefully crafted with help from the Department of Health and Welfare. If there is a chance in the future to expand the timeline, Rep. Young said she would bring it forth. In closing, Rep. Young clarified language for "Idaho born" and "foreign born" and the qualifying term "if available." She stated this legislation does not preclude adoption agencies; it is a baby step that can set a precedent. She addressed the concern that this would discourage adoption by stating that it would actually encourage adoption by making it a more open and transparent process.

MOTION: **Rep. Nate** made a motion to send **H 59** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Young** with sponsor the bill on the floor.

H 240: **Rep. Okuniewicz** presented **H 240**, an act that requires the Idaho Department of Correction to obtain a special use permit from a city or county prior to the placement and operation of any new reentry center. This will ensure a special use permitting process is followed, including public hearings, and subject re-entry centers to zoning requirements. He stated this legislation codifies something most communities would want to do. He said it was important to have an agreement in writing between the Department of Correction and a municipality. Rep. Okuniewicz supplied an amended draft version of the bill to the Committee.

In response to Committee questions, **Rep. Okuniewicz** confirmed that this is not a practice already included in all city ordinances. He stated there might be some codes which refer to re-entry centers but they are not special use codes. Line 18 was clarified as Department of Correction. When asked if any federal or state laws might impact a County Commission if they deny use of space for the Department of Correction, Rep. Okuniewicz said he does not think so. It was recognized that changes need to be made to the bill.

MOTION: **Rep. Scott** made a motion to send **H 240** to General Orders. **Motion carried by voice vote. Rep. Okuniewicz** will sponsor the bill of the floor.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 2:44 p.m.

Representative Chaney
Chair

Beth Norton
Secretary