

**A JOINT LEGISLATIVE EFFORT**

E-Mail to: [Testimony@Capitol.hawaii.gov](mailto:Testimony@Capitol.hawaii.gov)  
Regarding: House Committee on HTH  
Hearing on: February 12, 2007 @ 8:31 a.m.  
Copies Necessary: 45 copies

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**Date:** February 10, 2007

**To:** **House Committee on Health**  
Rep. Josh Green, Chair  
Rep. John Mizuno, Vice Chair

**From:** Kelly M. Rosati, JD  
Executive Director, Hawaii Family Forum  
Lobbyist, Roman Catholic Church in the State of Hawaii

**Re:** **Opposition to HB 1694 Relating to Adoption  
(Unless amended)**

Honorable Chair and members of the House Committee on Health, I am Kelly Rosati, representing both the Hawaii Family Forum (HFF) and the Roman Catholic Church in the State of Hawaii.

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. The Roman Catholic Church in Hawaii, under the leadership of Bishop Larry Silva, represents over 230,000 Catholics in Hawaii.

Both HFF and the Catholic Church are affiliated with non-profit organizations involved in adoption, including HOPE INC and Catholic Charities Hawaii.

HB 1694 declares a legal presumption of invalidity to a birthmother's consent to adoption executed within a blank number of days after the birth of a child. The number of days intended and whether the presumption is legally rebuttable or irrebuttable is not specified. That is extremely problematic.

We oppose HB 1694 as it is drafted because it will inject uncertainty, confusion and instability into the adoption process. Such uncertainty and instability in the process will hurt all those involved in adoption including birthparents, adoptive parents and, most importantly, the infant child.

We are not aware of any systemic problems that give rise to the need for HB 1694. As such, we believe HB 1694, as written, is as unnecessary as it is problematic.

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HB 1694 Relating to Adoption

If Legislative Action is Deemed Necessary --- Amendment Suggestion

However, if the Legislature is looking for a more formal way to allow a birthmother to change her mind about her adoption plan in the days after baby's birth, we would suggest a statutorily specified period of time during which birthmother can change her mind, no questions asked. After this period, the consent would be final. No more than 72 hours is advisable to mitigate the negative impact of the bonding break that will inevitably occur and cause harm to the infant child.

With this statutory 'safe harbor' identified after a specified period of time, all the parties involved understand the temporary nature of those first 72 hours. With the birthmother's consent, the prospective adoptive parents could care for the child with the full and complete understanding that nothing is final until 72 hours after birth.

We urge you to hold this measure.

Mahalo for your consideration.