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**Official Report
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(Hansard)**

Wednesday 7 November 2001

**Journal
des débats
(Hansard)**

Mercredi 7 novembre 2001

**Standing committee on
general government**

Adoption Disclosure
Statute Law
Amendment Act, 2001

**Comité permanent des
affaires gouvernementales**

Loi de 2001
modifiant des lois en ce
qui concerne la divulgation de
renseignements sur les adoptions

Chair: Steve Gilchrist
Clerk: Anne Stokes

Président : Steve Gilchrist
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES**

Wednesday 7 November 2001

Mercredi 7 novembre 2001

The committee met at 1600 in committee room 1.

ADOPTION DISCLOSURE
STATUTE LAW AMENDMENT ACT, 2001
LOI DE 2001 MODIFIANT DES LOIS EN CE
QUI CONCERNE LA DIVULGATION DE
RENSEIGNEMENTS SUR LES ADOPTIONS

Consideration of Bill 77, An Act to amend the Vital Statistics Act and the Child and Family Services Act in respect of Adoption Disclosure / Projet de loi 77, Loi modifiant la Loi sur les statistiques de l'état civil et la Loi sur les services à l'enfance et à la famille en ce qui concerne la divulgation de renseignements sur les adoptions.

The Chair (Mr Steve Gilchrist): Good afternoon. I'll call the committee to order. My apologies to everyone in attendance. The rules of the House preclude committees sitting while the routine proceedings are taking place in the Legislature, and, of course, we then had a vote.

I have just spoken to Ms Churley, the sponsor of the bill, and recognizing that we are also constrained by a rule that says we cannot sit after the House rises at 6 o'clock, I am going to exercise the Chair's prerogative and say that for the groups, we'll limit it to 15 minutes for each presentation. Hopefully they will be able to make all the points they were going to make. It might limit our opportunity to ask follow-up questions, but that's something the individual members could pursue on their own if they had any outstanding questions. That will give us almost exactly the amount of time we need without cutting anybody off at the tail end of the whole proceeding.

ONTARIO ASSOCIATION OF
CHILDREN'S AID SOCIETIES

The Chair: Our first presentation this afternoon is the Ontario Association of Children's Aid Societies. Good afternoon and welcome to the committee. Please introduce yourselves for the purpose of Hansard.

Mr Marvin Bernstein: My name is Marvin Bernstein and I'm director of policy development at the Ontario Association of Children's Aid Societies. My colleague here is Mary Allan from the Children's Aid Society of Toronto. Both of us are acting as co-presenters this afternoon.

Since the presenters have been indicating their background, I should indicate that by profession I'm a lawyer. I spent 20 years as chief counsel to the Catholic Children's Aid Society of Toronto. I've written extensively in the area of child protection and, to a somewhat lesser degree, with respect to adoption matters.

By way of introduction, the OACAS supports the underlying philosophy behind Bill 77. We're of the view that the time is right to bring about greater openness in the adoption disclosure process. From our point of view, it would indeed be unfortunate for this bill to fail to be enacted after all the adoption disclosure bills that have come before the Legislature in recent years. We also hold the view that the bill would be strengthened by our further proposed amendments, which we will talk about during the course of the presentation.

In the public sector adoptions that children's aid societies are involved with, oftentimes we're dealing with the adoption of crown wards after children have been found to be in need of protection under the provisions of the Child and Family Services Act. I think our perspective is a little different in the sense that we're dealing with the public sector and not private adoption, and with the need perhaps to look at no-contact notices to protect certain adult adoptees. We heard the other day about the importance of protecting the privacy rights of birth parents, and that's certainly an important consideration, but also we want to focus on the interests and rights of adult adoptees.

Having said that, we believe we should create an adoption disclosure structure in the province that serves the needs of adult adoptees and birth parents, most of whom are responsible adults, while building in some protections for those adult adoptees who are former crown wards, and perhaps 1% to 2% of those cases where there may be a safety concern as a result of prior abuse or other maltreatment. This is where the no-contact notice may be of assistance to the adult adoptee.

I want to spend some time just going through the recommendations that are being advanced by the OACAS in our submission before I turn it over to Ms Allan. Having reviewed Bill 77 in detail, we respectfully make the following recommendations:

(1) That subject to the further proposed amendments to Bill 77 outlined in our recommendations, the bill should be supported and enacted, as it reflects a positive shift toward openness which will bring Ontario into line

with similar adoption reforms in other provinces in Canada. These positive changes are:

The adult adoptee is to be given unqualified access to his or her original birth registration upon attaining his or her 18th birthday.

The birth parent is given access to the original birth registration of the child he or she placed for adoption, as well as the substituted birth registration and adoption order, subject to the right of the registrar of adoption information to refuse to disclose such information where it "might result in serious physical or emotional harm to any person." That's a provision that already exists in subsection 171(2) of the Child and Family Services Act. So there is a framework to build in some protocols that could exist between children's aid societies and the registrar of adoption information.

In addition, this right of access to this prescribed identifying information cannot be exercised by the birth parent until the adoptee's 19th birthday, in order to provide the adult adoptee with a sufficient grace period in which to decide whether or not to file a no-contact notice.

As I'm going through these elements, these are the elements that the OACAS supports.

Also, adult adoptees and birth parents are entitled to file a no-contact notice which would prohibit any contact with the person who files the notice. This option is available to adult adoptees and birth parents involved in adoptions completed both before and after these amendments come into force. Again, the OACAS supports this legislation having retroactive effect.

Counselling will continue to be made available at different disclosure points to adoptees, adoptive families and birth families, in recognition that adoption is a life-long process, but will not be mandatory. This change makes sense as long as the parties are fully informed as to their entitlement to counselling, as well as to the benefits which can derive from effective and supportive counselling.

(2) That Bill 77 be further amended to require the birth parent or adult adoptee to sign a written undertaking not to violate a no-contact notice before being able to access identifying information. This would provide an additional level of protection in response to the concern that a birth parent or adult adoptee might use the identifying information to force contact on a person who has previously filed a no-contact notice. This additional measure of protection could be advantageous in the area of public sector adoptions of crown wards, where in rare instances the safety of the adult adoptee could be an issue.

(3) That Bill 77 be further amended to increase the maximum penalty of \$5,000 for violating a no-contact notice which is presently contained in the bill. In this regard, we are concerned that this form of maximum sanction would be an insufficient deterrent to those persons who are prepared to risk a monetary fine in order to violate a no-contact notice. For this reason, we favour the British Columbia legislation, which prescribes a maximum penalty of a \$10,000 fine and/or six months in jail. In recommending this amendment, we envision the

court using discretion in sentencing and that a jail term would be reserved for only the most flagrant and persistent forms of violating the no-contact notice, such as where there is evidence of continuing harassment and/or stalking. This again could provide some extra measure of protection that would be helpful in the area of public sector adoptions of crown wards, where in a very small percentage of cases the safety of the adult adoptee could be a concern.

In this regard, we've heard some feedback from British Columbia that would suggest there are very few breaches of the vetoes in that province. Something is working in British Columbia, and it may have something to do with the breadth of the sanctions that are contained in their legislation. So we would ask this committee to consider strengthening some of those sanctions.

(4) That Bill 77 be further amended to require the birth parent to provide all relevant medical and genetic information as outlined in the bill before being entitled to file a no-contact notice. We are concerned with the permissive approach being taken in Bill 77 to the provision of this information and feel that such information is part of the adoptee's birthright and is critical to the adoptee's physical and emotional well-being, as well as to the holistic health of succeeding generations.

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(5) That Bill 77 be further amended to permit the renewal of a no-contact notice where it has been previously withdrawn. We are concerned with Bill 77's prescription that any withdrawal of a no-contact notice must continue permanently. It seems to us that there may be justifiable reasons related to changed life circumstances or new information that comes to the attention of the adult adoptee or birth parent—for example, that relates to the violent history of the other person—that may justify the renewal of a no-contact notice. So we would want, for example, an adult adoptee to have the flexibility, based upon new information concerning past family history, to be able to head in a different direction.

(6) That Bill 77 be further amended to change the nomenclature from "no-contact notice" to "contact veto." This is the language that is used in some other jurisdictions and would more clearly describe the nature and effect of the document, once filed.

(7) That the enactment of Bill 77 be preceded by an expansive public education campaign outlining the proposed changes in practice and those locations where people can obtain additional information and support. We're contemplating a time frame somewhere between six and 12 months.

(8) That the enactment of Bill 77 be accompanied by adequate resources for children's aid societies to ensure that the response to those affected can be prompt, comprehensive and professional. This would include sufficient resources to enable adult adoptees to review their social and family history at the offices of the placing children's aid society before deciding whether to exercise a contact veto. These vetoes, in our view, are important decision-making processes and they should be based

upon accurate information related to, for example, an adult adoptee's family history. An agency should be involved in that process, but it means more resources.

Those are the recommendations and position being advanced by the OACAS. I'll now turn it over to Ms Allan.

Ms Mary Allan: My name is Mary Allan and I'm a social work supervisor at the Children's Aid Society of Toronto, in the adoption disclosure unit. I've worked in the area of adoption disclosure since 1987 when the Adoption Disclosure Statute Law Amendment Act came into effect. Through the years, I've had the opportunity of assisting adult adoptees and their families and birth family members, including birth mothers, birth fathers, birth siblings and birth grandparents, with the disclosure of adoption information, as well as contact and reunion.

During that time, ideas and philosophies around adoption and adoption disclosure have continued to shift toward viewing openness as a positive influence in the lives of those affected. Our agency in particular has continued to operate within the present legislation to shift philosophies and ideas toward more openness and to convey the idea to the public as well as our prospective adoptive parents that adoption disclosure and reunion is a normal and natural outcome of adoption.

Adult adoptees so often speak of the same needs and feelings that I often think they must have been talking to one another. But, no, the language they choose to describe their experience is universal. At their first contact with our agency they speak of the need to know, to fill the void, the informational vacuum. From our experience in adoption disclosure we know that the typical adult adoptee does not pursue contact with the birth family because of unhappiness with their adoptive family or any kind of individual pathology. Instead, they're seeking answers to very fundamental questions that those of us who are not adopted simply take for granted: Who am I? Who do I look like? Most important, Where do I come from? What is my heritage and that of my offspring?

Many adoptees also talk about never feeling 100% complete and yet not knowing why, of feeling different in the way they look and their personalities, but not really knowing what is lacking. The successful search brings it together and the result is a sense of well-being and completeness. We have learned through our work with adult adoptees and birth family members that contact and reunion has resulted in significant changes in their lives, changes in career choices, improved self-confidence, a renewed closeness with adoptive families and a sense of freedom in having told family members, particularly for birth mothers.

The birth parents we meet tell us about their experiences. Some of them have lost their child because of an inability to parent; others voluntarily because they were young and unable to assume parenting; still others because of family and society pressures to place a child born out of wedlock for adoption. Whatever their predicament at the time, many went on to marry and raise children, some as single parents, and they would often

reflect later in life that placing their child for adoption was a long-term solution to a short-term problem.

Regardless of how they viewed the secrecy and implied confidentiality of the arrangement at the time of the adoption, few would have imagined it would leave them with a loss so profound that many could not get on with the rest of their lives. The child was lost, but not through death, and the grieving process remains unresolved. Feelings of shame and guilt persist through the years for the birth mother and as a result one of her prime concerns is whether her child is angry with her. She needs a lot of reassurance that she did not do a bad thing in placing her child for adoption and that she has the right to information and possible contact.

The birth mother and other birth family members also have questions: Is my child OK? Is my child happy and healthy? Is my child loved by an adoptive family? They have not forgotten their child. They don't wish to disturb the life of the adoptee but they do wish to make sure that they are making their way in the world, and in some cases they wish to be able to take the initiative to establish contact with the adult adoptee.

The success in contact lies in the resolution of these questions. In fact, our approach to counselling for reunion in the most recent years is to begin to use language other than "reunion." The adoptee and the birth family members we are serving are looking for connections, links, kinship, and for adoptees, a footing in the world. Sometimes a friendship develops, but even when the relationship ends up at arm's length or contact ceases altogether, or the whole experience was not as they expected, the feedback we receive is that a great many adoptees and birth parents feel at peace with themselves. They're able to get on with their lives and they would never wish going back to that state of not knowing.

The Chair: Could I ask you to make some closing comments, please?

Ms Allan: All right. Bill 77 is a positive shift toward openness which supports the view that disclosure of adoption information, both historical and updated, as well as reunion in adulthood, can have tremendous benefits for adoptees and birth family members.

The Chair: Excellent. Thank you very much. I appreciate your indulgence and thank you for taking the time to come before us today.

BIRTHMOTHERS FOR EACH OTHER

The Chair: Our next presentation will be from Birth Mothers for Each Other. Good afternoon. Welcome to the committee. You have 15 minutes for your presentation.

Ms Mary Shields: I just want to say that it's a great privilege and honour for me to be able to speak to you today. As a birth mother and co-founder of Birthmothers for Each Other, a birth mothers' support group since 1989, this day has been a day I could only dream about.

I am here to tell you, on behalf of hundreds of birth mothers I have come into contact with over the last 13

years or more, that we have never asked for secrecy, we don't want secrecy, and as mothers we want to know that our children are alive and well and if they need us we will be there.

In the past, the Ontario government has taken the position that birth mothers need their protection. We have never been asked if we want it—and we don't. Let us speak up for ourselves.

Open up the adoption records. A contact veto will suffice and will be respected. Look at British Columbia and their adoption reform. That is proof a contact veto is enough. A disclosure veto will only help to continue a perpetuation of the ideology of ownership of the adoptee by adoptive parents. It is a privilege to raise the child they have adopted. That should not come with the right to keep that child from knowing his or her birth family. The ministry must stop treating birth families and adult adoptees as children needing your protection. This behaviour by the Ontario government is harmful to those involved in the adoption triangle.

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The costs in health care for dealing with the depression of adoptees and birth families who seek the healing that results from a reunion must be astronomical. Separation of mother and child at birth has lifelong negative consequences. The best that can happen to those seeking healing is a reunion. Please, don't deny them the basic human right to know their own family.

Fiscal responsibility: The present system of adoption disclosure is inadequate, expensive and backward. Thousands of people are registered at the adoption disclosure registry in Ontario, and the numbers are growing. The waiting period for adoptees and birth families can take up to three or four years for information that they need now. This cruel and inhumane treatment of adults looking for some kind of closure has got to stop.

The costs of disseminating disclosure information in the current way are expensive and terribly inefficient. Could we change our focus back to the reason why we are doing this? Protection of privacy? Or is it really secrecy? Why? What are you protecting us from? The truth?

Privacy of adults, be they adoptees or birth families, should be protected once they voice their desire to opt out through the contact veto. Adults are responsible for their own lives and the actions they take within them. We can look to other countries to see that opening the adoption files does not create the havoc the Ontario government seems to be afraid of.

If the Ministry of Community and Social Services could take the dollars they now have and provide a service to only those who want their privacy protected by opting out through use of the contact veto, it would save hundreds of thousands of dollars, and the strain on the adoption disclosure registry would ease considerably.

Bill 77 makes sense. It is a good start toward the betterment of all involved within the adoption triangle. It is good for the people of Ontario. Birth Mothers for Each Other supports Bill 77.

I do have a few more minutes, so I'm going to take them.

Just speaking for myself as a birth mother, I cannot tell you what it was like for me, who had a child at 15 years old, to have no rights, no say, what that was like for me to have to give up my child, and I'm not the only one. I told myself that when she was 18 years old I'd find her, because it's my duty as a mother to know she's OK. Because of the present legislation giving me protection—protection I didn't want—it forced me into a situation where I was so desperate to know if my child was all right that I was forced to go underground and hire a private investigator and see if I could find my child. I went through three years of psychiatry because I needed it. I couldn't get on with my life. People would say, "Oh, well, you know, you mourn your child." She's not dead. How can you mourn someone who's not dead?

I cannot stress how lucky I am to be able to sit here today, because I can speak; I got through my pain. Yes, I did find my daughter and, yes, we're just fine, thank you very much. But she had her own way of suffering too, and it's ridiculous. The present legislation, the way it's been, really legislates a lie. You cannot say this child isn't born to someone else. That's like legislating, "Oh, we'll take a cat and now we'll call him a dog." It doesn't work like that.

I'm really praying and hoping that this Ontario government and the ministry of social services get their act together and just shift this thing. There are too many people suffering, and I've had enough. I can speak for myself, but trust me, there are thousands of birth mothers behind me who can't speak for themselves because they're in too much pain. Do something. Thank you.

The Chair: Thank you. We appreciate your presentation here today.

ANNE PATTERSON

The Chair: Our next presentation will be from Ms Anne Patterson. Good afternoon and welcome to the committee. Just a reminder that we have 10 minutes for your presentation.

Ms Anne Patterson: Mr Chairman, members of provincial Parliament, ladies and gentlemen, good afternoon. My name is Anne Patterson and I am a reunited adult adoptee, a licensed private investigator and a former early childhood educator. I have worked in the adoption community for 11 years. I have served as a volunteer and a professional with search services in pre- and post-reunion support and counselling. It is hard to fit 11 years into such a brief time period, but I will attempt to do just that.

Working with adopted adults and their natural parents for 11 years has been a pleasure. I have found healthy, intelligent human beings and adults who wish to be treated as such. I have also found that openness and honesty is the best way for anyone to start a reunion. I have reunited adopted adults and their natural parents across the country, and I have learned many things.

The services in Ontario with adoption disclosure do not meet the needs of thousands of people. It takes years to obtain information and much of the information is not accurate for so many people. It is full of inaccuracies, errors and omissions. Many have died and cannot register with any registry. Thirty per cent of the adoptees I have helped have found at the end of their search that their parents have died. This is due to inaccuracy of information and cumbersome waiting times. Bill 77 will help those find their loved ones sooner. Bill 77 will afford everyone factual and honest information and hopefully prevent such tragic endings for so many.

In the searches where a natural parent has died, all adoptees I have worked with have been reunited with their surviving families. Many have found much-needed answers, including medical information, as so often the natural parent has died of a genetic disease.

The hundreds of mothers and fathers I have found alive indeed have wanted contact. None of them knew about the registry or any registry. None of them have told me that they signed a confidentiality agreement of any kind. Ninety-nine per cent of those I have contacted have in fact wished to be found; 99% have had a reunion.

In the past 11 years, I have never been in a courtroom to fight over a confidentiality agreement, because that agreement is a myth and does not exist. Instead, I have had the pleasure and honour of seeing those whom I have helped to reunite grow, heal and become more whole. There are usually thank you cards in my mailbox and not subpoenas.

Many of the adoptees I have helped in reunion came to me after the ADR failed to provide effective communication between the two parties. In my experience, all mothers who were recontacted after the ADR alleged they did not want contact had reunion with their children, who, I stress, are now adults. This second outreach was far more effective as it was based on openness and honesty and family members talking to one another.

A system built on secrecy, lies and illusions has not been in the best interests of anyone involved with adoption. Secrecy has deeply affected me. I was not fortunate to have been adopted into an appropriate home. The secrecy of that home caused for me personally the most damage. I myself was abused sexually, physically and emotionally in the adoptive home. Twenty-five per cent of the adoptees I have worked with have also been adopted into inappropriate homes and have also been abused at the hands of those who were considered to be safe. As an abuse survivor and as someone who loves children, I believe that Bill 77 will allow a more open approach that would, in turn, truly protect children. I am hoping that Bill 77 will provide for a system that is based on honesty, respect and common sense and one that includes all children as having rights to safety.

1630

In 11 years, I have reunited 16 mothers who were raped, one being an incest survivor. I know at first hand that secrecy is not healthy, myself having been a survivor of both. Secrecy makes trauma 100 times worse, and re-

union is a way for people to heal from incredible damage. It benefits all people involved.

I also get search requests from adults who have been abused as children and who need answers for their own healing to begin. Amputating people from their families is re-abusive and does not afford anyone a chance to really recover.

For 11 years, I have seen how closed adoption has caused adopted adults and their natural parents grief, depression, identity issues and a web of pain. It has not been protective; it has been highly damaging. The inability to have answers, connections and fundamental human rights has caused irreparable harm. Most of those I know and have worked with have been traumatized to the depths of their souls by a system that has not allowed answers, truth or justice. Bill 77 will do just that: it will give us a right to our own humanity again and enable us to make our own choices as adults.

The adopted adults and natural parents I know have found reunion to be healing, beneficial and highly important to their well-being. Others deserve this chance as well. Of the persons I have helped to reunite, including myself, 100% of them found medical information they were not aware of. The information ranges from allergies to life-threatening diseases that have put and are putting people at severe risk. It is not the diseases themselves that are a danger; it is the lack of information and access to our natural families that is the greatest risk. Closed adoption is a system of Russian roulette, loaded with patriarchal laws invented over 75 years ago.

The worst that I have seen in 11 years are adoptees who are dying as a result of lack of information and others who have fought for their lives. I know many who were saved from premature deaths by reuniting with their families. In many cases, natural parents updated vital information that was not passed on to the adoptive parents or to the adopted adult. Death is a heavy price to pay for government-enforced secrets. Having Bill 77 would be the best way to prevent these types of tragic and needless circumstances, as the government is taking a great risk with health issues with a closed adoption system.

My own reunion has given me a chance to heal from a very unhealthy and very damaging set of circumstances. It has given my parents a relief and comfort to see and know me again. Neither of my parents signed confidentiality agreements and neither of them knew if I was dead or alive for over 20 years. My natural parents loved one another. My natural parents loved and wanted to keep me. Adoption was not their choice. They were trapped by the socially created crime of being young and unmarried. My crime was having the fate of being born to unmarried parents. Society and social services decided that it was right that I not see, be raised by or even know my own parents for over 20 years, and I still recover from the trauma of losing them, as do they for losing me.

The real experts of adoption are those who have lived in the abyss of its pain. I urge you to give others a chance and a right to their lives, to their voices, to their experiences and to their truths. Above all, please give them a

chance to see their loved ones again and to be treated with dignity and respect as adults.

Bill 77 will give them that right: those who are still in search, those who are still waiting for answers a real choice. Bill 77 will help everyone for their emotional health, their psychological health and their medical health. Please support Bill 77. Thank you.

The Chair: Ms Patterson, you timed that perfectly. Thank you very much for coming before us here this afternoon.

COALITION FOR OPEN ADOPTION RECORDS

The Chair: Our next presentation will be from the Coalition for Open Adoption Records. Good afternoon and welcome to the committee. Just a reminder that we have 15 minutes for your presentation today.

Ms Wendy Rowney: Good afternoon. My name is Wendy Rowney. I speak to you today on behalf of the Coalition for Open Adoption Records. We are a province-wide organization supported by individuals and adoption groups across the province. Members from Sudbury to Sarnia, from Ottawa to Toronto and from the Niagara Peninsula to the Kawartha region resoundingly support Bill 77.

We believe that every adult adoptee has the right to truthful information about his origins, that every birth parent should have the opportunity to learn the name of her child, that birth parents and adoptees who are adults recognize the value of counselling and will seek help should they desire it, and, finally, we believe that adults can decide with whom they wish to begin a relationship, that the contact veto empowers individuals to make decisions about their own lives.

We believe that Bill 77 is about choice. Adult adoptees may choose to learn their original name and identity. Birth parents may choose to learn the name of their adult children. Both adoptees and birth parents may choose to seek counselling to understand themselves better and the changes new information will bring to their lives. Some individuals may choose to use this information to seek a reunion; some may not. For some, simply knowing a name or holding their birth certificate will be enough. For these individuals, Bill 77 provides another choice. They may register a no-contact notice, which protects their privacy without withholding vital information from others. Some individuals will want to know; some will not. Such is the variability of human nature. Bill 77 allows for this variability by providing choice and opportunity.

As an adult, I made the decision to find out more about myself and my adoption. I was lucky. When I applied to the adoption disclosure registry, I discovered that my birth grandmother had registered years earlier in the hope of finding out what had happened to me. After having been contacted by the ADR, she called my birth mother, who was overjoyed to learn that I was alive and happy. I doubt that I can put into words what it meant to

me to receive information about my birth family, to see their pictures, to learn their names. After a lifetime of scanning subway cars for some sense of familiarity and staring into the mirror trying vainly to discern from my own features those of the woman who gave birth to me, I knew where I came from and why I looked the way I did.

Over the past several years I have visited with my birth mother, stepfather and sisters, my grandmothers, uncles and aunts. I have learned who I am and where I fit into the world. This knowledge is my most precious possession. Although my birth mother and I have been unable to build an ongoing relationship, I do not regret my decision to search. The pain of a failed relationship pales beside the profound frustration of not knowing. In no way have these discoveries weakened my relationship with my adoptive mother or brother. I did not seek to replace my family but to develop a more complete sense of self.

Similarly, adoptees across Ontario welcome the idea of open records, not because they wish to find a new family but because they deeply desire to know their origins. I suspect that this desire to know where we come from, to find our place in a long line of ancestors, is not peculiar to adopted persons. You have only to go to the Ontario archives a few blocks from here to find individuals who have spent hours, days and even months digging through old records, studying documents and searching the Internet trying to find links, however tenuous, with their past.

Genealogists proudly publish books and produce family trees to demonstrate where they belong, how they fit into their family, people and society. The overwhelming popularity of the CBC series *Canada: A People's History* demonstrates this same desire to know about our past, to know what makes us unique as Canadians and different from our neighbours to the south.

1640

This, on a personal level, is what Ontario adoptees want. We want to draw our own individual family trees, to know what makes our people unique and different from all the peoples around us. I myself so longed for the knowledge that, as a teenager, I spent countless hours laboriously copying out the family trees of strangers, marvelling at their connections and convoluted turns. My mother despaired at the reams of paper littering my room but, to me, these pages represented a link with the past, an unacknowledged search for my own hidden ancestry.

The papers hidden from us by the current adoption laws hold the key to that identity. Our own original birth certificates recognize our existence before adoption, recognize that we have ancestors and family trees, recognize that there is a people to which we intrinsically belong by virtue of our own birth and ethnicity. In my experience, many adoptees search not to replace one family with another but to find out who they are. Many speak of wanting to find someone whom they physically resemble. This desire reflects not so much a need for reunion but a deep longing to connect with a group, a

people, an ancestral past which is theirs alone, to have information about how and where they fit into the world.

My personal observations are borne out by academic evidence which demonstrates that it is the information learned from birth relatives, more so than the relationship, which motivates adoptees to claim consistently a high level of satisfaction with the outcome of their reunion. I often come across adoptees who, like me, do not have an ongoing relationship with our birth parents, but who express a deeper sense of self, a stronger sense of identity and higher self-esteem because we have learned of our people, our past and our identities.

When we make the decision to encounter our pasts, we know we may not like what we find. Despite childhood fantasies, we know that the very fact we were surrendered for adoption means there were problems surrounding our birth, conception and perhaps childhood. We know that not all endings are happy. Independently, we decide the need to know is greater than the fear of what we may find. This is an adult decision, made after a great deal of deliberation and soul-searching. It is not something we enter into lightly. As adults, adoptees can and do make decisions every day, even momentous ones which may alter how we see the world and our place in it. Like all adults making life-changing decisions, adopted persons have the ability to make these decisions on their own. We are no longer children, and we do not wish to be treated as such.

I know there is a fear that adoptees will not respect the wishes of some birth parents who do not desire contact. I find this fear difficult to understand. Having spoken with hundreds of adoptees, and being one myself, I know that one characteristic most of us share is fear of rejection, particularly rejection by our birth parents. We, like most people, are not eager to cause hurt to ourselves or to encounter repeated rejection. My own birth father has indicated he does not have a place for me in his life right now. I have respected his decision and not attempted any kind of contact. However, knowing his name helps me to feel grounded and, as I said earlier, part of a collective past.

As you know, legislation similar to Bill 77 has been in place in several jurisdictions for many years, in some cases for decades. There have been no serious breaches of veto anywhere in Canada. No one has ever accused another individual of violating a contact veto. Not a single birth mother fearing the ruin of her life has filed a complaint. Not one putative birth father has accused an adoptee of interfering in his life. Not one adoptee who had been removed from her birth family as a child has filed a complaint against stalking birth parents. Vetoes work. They provide privacy for the small minority who seek it.

Statistics from other jurisdictions demonstrate that few birth parents seek confidentiality. Birth mothers were not promised their identities would be hidden for all time. There is no document that guarantees their secrecy. In most cases, birth mothers surrendered their children reluctantly. They accepted confidentiality as a condition

of the surrender only because they had no other option. In my experience, although birth parents do want privacy and the opportunity to choose whether to meet and establish a relationship with their adult children, they do not seek your protection.

Just as birth parents do not seek special protection under the law, adoptive parents recognize that their families do not require legal protection. Many adoptive parents support their children in the quest to find their identity. As I was growing up, my own mother repeatedly expressed her desire to meet my birth mother, to discover what she was like and if I might resemble her.

Over the years, I have spoken to many adoptees as they first contemplate search. Overwhelmingly, they reveal their concern for the feelings of their adoptive parents. They explain that they love their parents and do not wish to hurt them. To avoid this, they proceed slowly and respectfully into the search-and-reunion process. These same individuals often tell me how the bonds within their adoptive family have grown stronger after reunion. Both my own personal experience and academic studies reinforce this view. Learning about their origins and heritage helps adoptees to feel more connected to the earth and recognize the value of the parental support they received from their adoptive parents. Knowing my birth mother and discovering what I had inherited from her allowed me to recognize and celebrate the many characteristics and traits I had learned from my adoptive mother, my mom.

I am here today to ask you to amend the laws governing adoption disclosure in Ontario. Laws in a democracy do change; in fact, they must change in order to remain relevant and truly reflect the society they are meant to protect. Laws governing other aspects of family life have changed even within my lifetime. If a couple married in 1970 and divorced in 2000, the settlement terms are based on the law in 2000 regardless of the fact that they didn't know what those would be 30 years earlier.

It may have made sense in 1927 to seal adoption records. Attitudes toward illegitimacy, infertility and out-of-wedlock pregnancies were very different from what they are today. Today, there is no stigma attached to these occurrences. In fact, they barely seem like an occurrence worthy of note. There is no shame in surrendering a child for adoption, in building a family through adoption or in being an adopted person with both a birth and adoptive heritage. Your support of Bill 77 will proclaim loudly that the Ontario government recognizes there is no shame in adoption. Vote yes to Bill 77. Vote away decades of shame and secrecy. Thank you.

The Chair: Thank you very much. That affords us time for one very quick question, so we'll start the rotation, Ms Dombrowsky.

Mrs Leona Dombrowsky (Hastings-Frontenac-Lennox and Addington): Good afternoon, Ms Rowney. Thank you very much for an excellent presentation. With regard to the comment you made, "at no time were birth mothers guaranteed confidentiality," would it be your

position, then, that this bill would in fact afford them a measure of protection that they don't have at the present time?

Ms Rowney: I think this bill allows them to make a decision and to come forward and say whether or not they seek to have a reunion with their children. In the present system, they don't have that opportunity; you're absolutely right.

Mrs Dombrowsky: Another presenter also indicated with regard to the veto that perhaps there should be some consideration to increasing the penalty to make it more effective, as it is in another jurisdiction. Do you have an opinion on that?

Ms Rowney: The Coalition for Open Adoption Records agrees with the Ontario Association of Children's Aid Societies that this is an acceptable way to amend the bill.

The Chair: Thank you for coming before us here this afternoon.

1650

MARIE KLAASSEN

The Chair: Our next presenter will be Marie Klaassen. Good afternoon and welcome to the committee. Just a reminder, we have 10 minutes for your presentation today.

Ms Marie Klaassen: I haven't been here long, but I feel like a bit of an anomaly. I'm a happy product of the Ontario provincial adoption system. I was adopted as an infant and raised in a loving and supportive home. My parents were very open about the issue of my adoption and that of my three siblings as well. They continually encouraged us to search if we wanted. I'm also a recently reunited adoptee. I decided in my early 30s, after giving birth to my own two children and realizing that I didn't have enough information that I needed to keep them safe in terms of genetic and medical history, that it was time to do the search, and it was also just time to know; I was settled enough.

I literally spent thousands and thousands of hours searching for my birth mother. It took a lot of money. It took a lot of time. This was thousands of hours away from my family, away from my job. I needed a lot of access to information. You needed to have good literacy skills. You needed to have knowledge of the system, which luckily I worked within, so I knew how bureaucracies worked and how to get information.

It struck me at a certain point that being forced to do a private search was sort of an elitist preoccupation, because other people with fewer resources, less money, less support simply wouldn't be able to do that, and I felt that was fundamentally wrong.

I found my birth mother, and I also found my birth sister, who was given up for adoption three years before I was born. My sister Janine is a very successful—she was also raised in a very loving home—local businesswoman, and she and I are diametrically opposed on the perspective of meeting birth mother. So I have met birth

mother, have a relationship with her. Janine has absolutely no interest, in fact would refuse contact if offered and I'm sure would support no contact for the adoptee. But I'm hoping to bring her along.

My birth mother, while very pleased to meet me—and we have an ongoing relationship, as I said—lives in complete secrecy with the issue of my birth and the birth of my sister. No one in her family knows. Her husband does not know. Her grown children, who are my brothers, don't know. And as I said to her as recently as last week, I didn't do all this searching to find her husband; I did it to find her. So we have a special relationship, but it's carried on in secrecy. And that's OK. That's certainly a lot more than I had before, and I'm happy with that.

Incidentally, although I'm sure it's not incidental to the birth fathers in the room, I did find my birth father as well, and he had no idea that I had ever been born, so he's still trying to sort out that whole revelation.

I began my search as an educated professional woman, and I fully expected to jump through a lot of bureaucratic hoops to get the information that I needed to progress. Even I found it a bit distressing, some of the paternalism of the barriers that I ran into. I sat in front of a social worker who had pulled together my non-identifying information, and she flipped through a file and decided what I needed to know and what I didn't need to know. I found that both demoralizing and patronizing.

So the searcher, being me, turns elsewhere and does the search privately. I did all of my search myself, but at each intervention, at each junction, when I pressed for information or searched for records or asked questions, I felt like I was putting my birth mother's confidentiality at risk. I was very secretive, but people aren't stupid. The 4,000th call that the woman in charge of the telephone directories in Timmins gets from someone doing genealogical research in the 1960s, you don't have to be too bright.

In any case, I felt that being forced into doing a private search put my birth mother's confidentiality at risk, and in fact that was the first thing she asked me when I called her: how did I find her and did anybody know. Because nobody knew and nobody knows.

When I started this search, I was a settled, psychologically grounded person, and nonetheless, I found it very destabilizing, much more emotionally destabilizing than I ever expected it to be. What saved me was that I was ready, I was committed, I had bought into this, I had done the planning and I had been in the driver's seat.

I know this is not going to be a popular sentiment, but I'm really glad it was that way. I don't know how well I would have done had this hit me out of the blue before I was at that place in my life.

In terms of overall statements, I'm in favour of the bill. The current system is set up to force private searches, which are both elitist and threaten the privacy of birth mothers. I don't feel that a contract made about me at the time of my birth should continue to bind my rights to information as an adult.

The records should be open to the adult adoptee. They should be also accompanied, however, by evidence-based guidelines or a set of recommendations for initiating contact. It's not an easy thing to do. There should be, in my view, voluntary but strongly recommended counselling about the impact of this.

I agree with someone else who spoke that there should be an expectation that birth mothers continue to act in the best interest of their child by providing up-to-date medical information, whether they desire direct contact or not. I think that's pretty basic.

That's all I have to say. Thank you for the opportunity to speak.

The Chair: Thank you very much. Considering that, I think from all parties, we can barely get our name out in less than a minute, I'm going to suggest that it's probably more appropriate to just thank you for your presentation than launch into a line of questioning now. Thank you very much for coming before us here this afternoon.

KARL HAIG

The Chair: Our next presenter will be Mr Karl Haig. Good afternoon. Welcome to the committee. Just a reminder that we have 10 minutes for your presentation.

Mr Karl Haig: My name is Karl Haig, and I have a problem with the adoption thing. I think it's time that we stop taping a little here and a little there. We should get this thing straightened out. There is a lot of dishonesty in this thing, and the corruption is so unbelievable it isn't funny. I think that must be straightened out.

First of all, I'm going to say it so it's not so much of a shock: religion is something that's brainwashed into us. We're not born one religion or another; we are born human beings. The Catholics here are the worst crooks that ever existed. They had the birth mothers in these homes for unwed mothers. There they were trampling on them to get their esteem low, and then they pushed a paper under their nose and said, "Sign it." So they signed something; they often didn't know what they signed. It turned out to be an adoption agreement, and then they had to worry about the father, because the father separates too. The father has to sign the adoption agreement too. That's what I was told. But then they falsified the names on the adoption agreement. Now, that is a criminal act. If I were to falsify records, I'd be charged. If I were to take somebody else's kids away, I'd also be charged.

Now, I think it's about time this place gets cleaned up. These are human rights violations. I went to a human rights meeting in the Delta Chelsea Hotel, and I brought it up. I was told that it's definitely a human rights violation.

So I don't have any rights to know my own kids? I came to this country to be a stud for somebody else? What kind of a thing is this? I think the Catholics should be labelled dangerous offenders. Everywhere they are involved, there is trouble: in orphanages, in schools and also in these homes for unwed mothers and even the Catholic children's aid society. It's absolutely a disgrace.

I think they should be nailed just the same as anybody else.

Do I have rights too? Who protects my rights? Does the government protect our rights or don't we have any rights? We're just simply pawns you can do what you want with.

I've been searching for the kids. I didn't know. I was forced into something that resulted in the first boy. I was only here a half a year, and I didn't know my way around. Now, Canada was a lot different than Europe. Even though it's said to be pretty close, there is a lot of difference.

There was an article in the paper. This is very interesting. It features adoptees. It also features these brainstorm types, adoption council and all of them. They try to put something over on us. I don't go for that. I think that's dishonesty. I think they should butt out. I think people should have rights concerning their kids. I don't think kids should be adopted. I don't think kids should be advertised. They are not items. They're human beings, and I think they should be treated that way. In this article about adoptees, these brainstorms say—and then there are researchers who research the whole thing.

1700

The Chair: Can you just make sure the document doesn't block the microphone, please? Hansard is having trouble picking up your comments.

Mr Haig: Pardon?

The Chair: Don't hold the paper in front of the microphone. You're blocking the microphone the way you're holding the paper, so it's not picking up your comments.

Mr Haig: I didn't understand what you said, because I'm a little hard of hearing. I worked in a place that was really noisy, and it affected my hearing.

Anyway, I'd like to see something done to straighten it out, and I think we need a huge amount of honesty brought in. In my case, I was set up and forced into something. The mother told me she was 17. She lied, and I didn't know it until I found out she had died. I searched for her grave, and it said, "1942 to 1983." If she was born in 1942, she would have been 15 in 1957.

The first boy was born when she was 16. The Catholic children's aid society always told me they didn't know anything about the first boy. That's a lie, because I also found out that they kept her in a home for unwed mothers on St Clair, just before it goes down to Warden.

Then she came back 10 years later. I had bought a house the year before, and I shared it with a friend. My friend was there and let her in. Anyway, when she came in again, she didn't know I knew about the boy. She was talking away about a fellow she had married in the States who lived in Connecticut. After a little while listening to her, I said to her, "I'd like to ask you some questions." I said, "Where is the boy?" She said she had him adopted. It was like somebody hit me on the head with a sledgehammer. I kept asking about the boy every time I saw her. She came back for about two months. She could be very pushy about certain things, and I think she realized

that this had really hit me hard and that it would cause some problems. So she made a move. She thought that if we had another child, I wouldn't ask any more, I guess. But I still asked her all the time. I didn't know she was pregnant again, and she disappeared again. Then I had to find out about the second boy when I searched for the first boy. At that time, the second boy was 25 years old.

Where do I come in? I'm a father, and I should have a right. Every day I'm reminded of it. I go out on the street and I see people with their kids and I ask myself, "Where do I come in? Do I have rights too?" I'd like to see my rights upheld and protected.

The first boy called me one time. I slipped up. There was somebody who used to call me all the time who wanted to sell me a book, like a family tree, and I didn't want to buy it. I thought it was them. They came up with different come-ons all the time.

Then I found out about the second boy. I went up to the place where she used to live, and I tried to find out where the mother was. I didn't know she had died. So I talked to this young fellow who came down the street. I asked him, "Could you tell me where the people live who lived here for a long time and are at least 45 years old?" He didn't know. He was very nice; he was very talkative. I had to tell him why I asked. So I said, "I used to see a girl here and we had a son." At the time, I didn't know there was a second boy, and I don't think the two boys even know about each other.

What kind of thing is this? I came to this country. I had no intention to be a stud for somebody else, and I don't have that intention now either. The older boy is now 43, and the younger boy is 33. I want the files opened, because these adoptions were a criminal act. They put a different name down for the father. With the second boy, they put a guy down who worked for the Catholic children's aid society. That's a disgrace.

I went to the place where they keep the records, and first they were very reluctant. Then, this Jennifer who was there said, "Write the whole thing out. We'll evaluate on that if we can tell you." But I didn't hear anything. Then I called again and was told, "You weren't married." No, I wasn't married, because I didn't have a chance to get married. When I found out about the first boy, I went back to the mother's home, and I wanted to ask her if she wanted to get married. But I couldn't find her anywhere.

Now, the whole set-up was not the mother. I found out that the mother was 15. It was so well planned that it definitely was not the mother. I'd like to have this opened. The cover-up on it is so huge. I can give you a list of at least 20 people that are involved in the cover-up. Parent Finders—that Kramer worked in the same welfare office as the mother, and she knows the truth about it. She's another one.

The Chair: Mr Haig, we're already over time. I'm going to have to ask you to wrap up your comments very quickly.

Mr Haig: The last time she said that parents shouldn't have the right to search. They signed the agreement. Well, I didn't sign anything. I don't think parents should

have the right too, because she didn't say under what conditions they signed, and that's very important.

The Chair: Thank you very much for coming before us this afternoon.

ANDREA NÉMETH

The Chair: Our next presentation will be from Ms Andrea Németh. Good afternoon. Welcome to the committee.

Ms Andrea Németh: Good afternoon. My name is Andrea Németh, and this is my birth mother, Caren Healy Jones.

I am speaking to the committee today not because I'm unhappy about having been adopted, but because I have had a very positive experience with it. If ever there was an adoption that happened the way it was supposed to, it was mine. I was adopted by loving parents who gave me every opportunity, and I'm speaking here today with their full support.

My birth mother, who is here with me, maintains that her decision to place her baby for adoption, while the only decision that was available to her at the time, was still the right thing for her and for me under the circumstances. Since being reunited six years ago, our relationship has added immeasurably not only to our own lives but to the lives of both our extended families. My birth and adoptive families have shared holiday meals, celebrated together and supported one another through difficult times.

My birth mother's husband, himself the adoptive father of two daughters, has seen first-hand the positive result of an adoption reunion. His daughters, both teenagers now, have a model of the relationship between a birth mother and her adult child to give them perspective.

My adoptive mother and my birth mother's mother, that is, my birth grandmother, have become fast friends, writing each other letters regularly, even on a weekly basis. Both my families have benefited from adoption and from reunion.

It is important for me to preface my remarks with this information, because I know the committee has heard a great deal about the pain and grief that too often accompany an adoption. I know that while we may be moved by the pain of others, it is easy for us then to dismiss them, to think their pain speaks for them and that were they healthy and whole they would feel differently. I am here to tell you that I am healthy and whole and I do not feel differently about the right of adoptees to access their original birth certificates.

Every other adult citizen of this province has the right to his or her original, unaltered birth information. For no other reason than that I was adopted as an infant—an arrangement into which I did not enter and from which, even as an adult, I cannot leave—I am denied that right. I am told that this is because I require protection from the circumstances surrounding my birth and because my birth mother requires protection from the shame of her out-of-wedlock pregnancy. I would respond that this

protection should not be the state's to compel but rather mine or my birth mother's to request. We should not be "protected" from one another against our wills.

As well, it a gross presumption that the law should decide with what information I am able to cope. I know that I speak for many, many adoptees when I say we have already imagined whatever worst-case scenario could possibly have surrounded our births: rape, incest, madness. Naturally, these are the worst fears of any adoptee. But, as we know, the greatest fear is fear itself. Most of us decide that the truth, no matter how ugly, is preferable to the horror of endless possibility.

1710

There is some concern that opening up birth records to adoptees will be detrimental to their relationships with their adoptive families. Every family, whether birth or adoptive, has its own problems, but no family is destroyed by one piece of information. Any family that appears to have been surely had a host of previously unacknowledged difficulties.

When I first met my birth mother, my adoptive parents, though they wanted what was best for me, did have anxieties about how my relationship with her would impact on our family's relationships. I told my mother that I perceived my relationship with my birth family to be akin to a marriage. Would my mother feel upset or threatened if I were to marry and have a loving relationship with my mother-in-law? Of course not. She would recognize that my love for another parent would not detract from my love for her or my father. To suggest that adoptees who experience reunion do not love their adoptive parents, or love them less after the reunion, is as absurd as suggesting that parents who have a second child don't love the first one as much as they once did.

One of the chief complaints of adoptees about the current legislation is that the law infantilizes us. We are forever adopted children, never adults who were adopted. Though this may seem like a nebulous, semantic difference, it is important to consider the difference between the two. Children have decisions made for them; adults make their own decisions. Children require the protection of adults; adults choose whether or not they require protection. Children are presumed not to know what is best for them; adults are expected to know what is best for them.

Since I realize that in five minutes I am not going to change this perception of adoptees as eternal children, I would remind the committee that in dealing with children the law is charged to do what is in their best interests. To that end, I ask you to do what is in the best interests of adopted children: when they become adults, treat them like adults. Give them access to the information that is rightfully theirs. Support Bill 77 and open adoptees' birth records.

The Chair: Thank you very much. That gives us a couple of minutes for one question by Ms Churley.

Ms Marilyn Churley (Toronto-Danforth): I absolutely have to take this opportunity—I hope he doesn't kill me; my son just walked in. Billy Boertjes is sitting

right there. So, you have another united birth parent and child here. "Child." See? I did it.

I wanted to ask you very quickly about the no-contact veto and your feeling about that.

Ms Németh: I think it's a necessary evil. I think it provides protection to those people who require it, but I think that most people probably don't.

Ms Churley: So you think it's necessary just for those few who need it?

Ms Németh: That's right.

Ms Churley: Your experience is, as other people and all the research I've looked at have said, that there's little or no evidence it's been breached in any jurisdiction that has opened up the records?

Ms Németh: That's the knowledge I have as well.

Ms Churley: OK. Thank you.

Ms Németh: You're welcome.

The Chair: Thank you very much. We appreciate your coming before us.

And Marilyn, when do I ever get upset with anything you would do or say?

Ms Churley: Never.

The Chair: Never. Exactly.

JOE MACDONALD

The Chair: Our next presentation will be from Mr Joe MacDonald. Good afternoon. Welcome to the committee.

Mr Joe MacDonald: Good afternoon. I just had one of those horrible experiences where I realized that almost anything I could say has just been said before me.

My name is Joe MacDonald, and I'm here representing my wife, our 10-month-old daughter and myself.

Both my wife and I are adopted, and my wife, through a long and winding road, was able to be reunited with both sides of her birth family in the late 1980s. For Shirley and for both those families it's been a cathartic and therapeutic experience. It's been very valuable. If there's been a down side to it, it's that the number of people I now have to remember has grown exponentially. There are too many Toms in the world, apparently.

In my own case, my twin sister and I were adopted at the age of 10 months. We grew up in the same home, and I guess it was as happy as homes can be. When we were five years of age, my mother decided she would explain to us that we were adopted. We were going to a new school and there were four or five kids in our class who were also adopted, and my parents simply didn't want us to find out in the schoolyard that we were adopted.

My mother had the opportunity to share with us, I think, more information than is often the case. We found out what our birth names were, and we found out that our birth mother was Irish and our birth father was probably Australian, but nobody really knew.

I have to tell you—I'll never forget it—that when she told us that, I was thinking more about going out to play than hearing this thing about adoption. It didn't quite register, and it didn't make much sense to me. In fact, I didn't really care. But I think what has happened over the

years, as I've grown older, as I've taken on more responsibilities, as I've become an adult more or less, is that there's something missing in my life. There's information about me that I simply don't have access to, or certainly easy access to.

Once you are adopted, you are always adopted. I will never not be adopted. But as an adopted child, as an adopted adult, an individual, I don't really and truly know who I am, I don't really and truly know where I came from, I can't put a name to a face, because I have neither of them available to me.

It did take me a very long time to get to the point where I thought seriously about looking for my birth mother. I had been asked for years and years by friends who were not adopted, "Why don't you do it?" I was very clear with them that I thought giving up a child—in this case, two children—for adoption was not an easy decision for anybody to make, and I could only imagine the circumstances. I didn't want to knock on some woman's door and say, "Hi. You may not remember me, but does July 11, 1954, ring a bell?" I just thought it would be cruel and insensitive and, for the most part, I was happy enough doing what I was doing. But again, as things change in life, so did my feelings, and I've come to feel I've been cheated out of something very personal and very important and, in many respects, very human.

There's no anchor for me, other than May 1955. There's a chunk that's missing, and I can't retrieve that, although in 1994 I did get my non-identifying information, and as soon as I could, I put myself on the adoption registry. I have to tell you that even the non-identifying information was very interesting. Until that time, as far as I knew, I had no birth weight. But there it was; I had a birth weight. This is a curious thing. I have a twin sister adopted by the same family, raised together. The non-identifying information indicates that I was Baby A, and I have a twin sister, Baby B. They wouldn't name her in the non-identifying information. I think my sister has a copy where she is told that Baby A is her twin brother, but I'm not identified.

I found I had a birth weight. I found that my birth mother was 36 years old and, in fact, Irish. Other information I was able to gather: indeed, my name at birth was Anthony Francis O'Shea, I am Irish and I am Catholic, and my name was changed when I was adopted. I also found out that I have a half-sister born a year before. Frankly, I still don't know what to do with that information, other than explain to the folks running the ADR that if they can't find my birth mother, please try to find my half-sister. It's a very curious thing. Unless you've been in this place and live in this place, you could never really know it.

Bill 77 is long past due, and I support it wholeheartedly. I went through the minutes of the social development committee on Bill 158 over the weekend and, for the life of me, I can't see the argument against a bill like this. I've been involved in politics in a whole lot of different ways for about 30 years. Very seldom has it been my experience that legislation or the opportunity for

decision-makers comes along where you can do something that is simply right. This is that kind of legislation. This is simply right.

I am an adult. I think I have the right to information about my life—very personal information, medical history. My daughter is 10 months old. Grace in fact has this gap in her life. She's never going to know what her birth grandmother looked like. She doesn't know whether the fact that she's got sort of strawberry blond hair is because of her birth grandmother or her birth father or her grandparents. She'll never know that until I can find out, and that's not fair to her. We didn't know, because I was not in touch with my birth parents, if there was something I was passing on to Grace that was going to be genetically debilitating. We still don't know that. Grace could have children and still not know that, because it takes so long. It is so hard for an adoptee, a birth parent or an adoptive parent to get the information we need.

1720

It's a strange thing. We spend a lot of time, money and energy uncovering and trying to determine the roots of the race of humankind. There's a reason we study past civilizations and old bones and try to uncover the links that bind us all. I think we need to know who we are and where we belong because it gives us guidance and context and it allows us to define ourselves and others. It is part of a very deep psychological and developmental need to make sense of ourselves and our world.

I think you're going to hear, if you haven't heard, from a number of people who will support this bill and those who won't support it. I'd only ask you to take this bit of advice, if I could. Often people will sit before you and say, "Well, here's an example of how things have gone awry. The reunion did not work out, so you must protect people from that." We sometimes make the mistake of reasoning from the particular to the general. It's the kind of thing undergraduate students do all the time. I'd like the committee not to fall into that gap. I'd like your respective caucuses not to fall into that. I'd like you to look at what is right and your opportunity to take steps to redress a wrong.

I have a need right now to know who I am and where I come from, and to determine where I belong. My daughter also has that need. This bill, I think, balances these needs and rights with my birth mother's and birth sisters' rights to privacy.

I don't have anything else to say.

The Chair: Thank you very much. You timed that very well. We appreciate you coming before the committee here this afternoon.

ADOPTION COUNCIL OF ONTARIO

The Chair: Our next presentation will be from the Adoption Council of Ontario. Good afternoon and welcome to the committee. Just a reminder that we've got 15 minutes for your presentation.

Dr Michael Grand: Thank you. My name is Dr Michael Grand. I'm a professor of psychology at the

University of Guelph. I'm a member of the board of directors of the Adoption Council of Canada and the Adoption Council of Ontario. The Adoption Council of Ontario is the largest adoption organization in the province. Its membership is drawn from adoptive parents, adoptees, birth parents and professionals in adoption. I'm also the co-director of the National Adoption Study of Canada. This study is funded by Health and Welfare Canada. It is the most comprehensive study undertaken in the country to describe and assess adoption policy and practice. The results of the study are published in my book *Adoption in Canada*.

Good policy should not be based upon opinions or casual observation, nor should policy be determined by single-case examples. It is impossible to write law that will cover every instance. If this were the standard we used, then we would not allow anyone to drive a car for fear of a single accident. We would not engage in business for fear of a fraudulent transaction. I'm sure you see the ludicrousness of taking the extreme position. Law must be written in a manner that attempts to do the most good in the circumstances while at the same time attempting to limit the possibilities of harm.

This is the approach that has been taken in Bill 77. It attempts to maximize the most good for the adoption community while putting in place reasonable safeguards that will minimize harm. The provisions in Bill 77 are based upon the best research findings we have concerning the process of adoption. They are not an emotional wish list. They are premised upon well-drawn scientific data. In this light, I would like to share with you some of the research on adoption as it pertains to this bill.

First, let me address the question of whether a contact veto will be a strong enough disincentive to protect the privacy rights of those being sought. As you have already heard, in England, Scotland, Wales, Northern Ireland, Israel, Argentina, Mexico, several of the United States, Denmark, Holland, Norway, Sweden, Finland, New Zealand, Australia, British Columbia, Newfoundland, the Northwest Territories and Nunavut, adoptees can approach the respective birth registries and obtain identifying birth information. In preparation for these hearings, ministries in England, New Zealand, New South Wales and British Columbia were contacted to learn whether they found the contact veto to be strong enough to deal with those circumstances where the non-searching party's privacy was requested. All of the jurisdictions reported they had not had a single instance in which it was necessary to take legal action under the provisions of their respective pieces of legislation. Simply put, the contact veto works.

Are adoptees at risk in heading into a reunion with an abusing birth parent? This question was raised at the hearings on Monday. The first thing we must remember is that we are not talking about adopted children. We are talking about adult adoptees and birth parents who are well into middle age and beyond. Secondly, none of the jurisdictions that have been contacted reported any instance of abuse.

In the national adoption study I authored, we asked all 51 children's aid societies in Ontario, as well as over 300 other practitioners and agencies across the country, about search and reunion. Not a single respondent raised the issue of re-abuse as a concern if records were to be opened. I travelled to every province and territory in the country as part of the feedback process. I met with the provincial adoption coordinators, as well as a wide cross-section of professionals in adoption, adoptees, birth parents and adoptive parents. There was not a single instance in which any of these groups voiced concern for this matter.

I would also point out that there are health, safety and welfare provisions in the Child and Family Services Act that will still be in place when Bill 77 is passed. There are laws on the books that address issues of harassment and criminal intent. These provisions have a broad enough reach to deal with the possibility of harm.

Will adoptive and birth families be destroyed if this bill is put into place? Again, the research literature is clear on this matter: openness serves the best interests of all parties to an adoption. You heard the presentations of adoptive parents on Monday. Their experiences mirror the research. In those families where there's openness, adoptive parents feel greater entitlement to parent and have less fear of losing the adoptee. My published study of searching clearly indicates that when adoptive parents and adoptees search together, a stronger bond is formed between them. It was in those families where the adoptive parent rejected the idea of searching that there was distance between the family members.

We also know from several investigations that search is not motivated by rejection of the adoptive family. It is a normal response for any person who is unable to write chapter one of their lives. Just ask yourself: if it were made known to you today that behind a government door there was a file that contained life-defining information about your identity that was denied to you by law, would you personally sit back and say it was unimportant to you? Of course not. Seeking information as would be allowed in Bill 77 is about an expansion of a sense of identity. It is not about rejection of adoptive families.

Will Bill 77 destroy the lives of birth parents who wish to keep their pasts a secret? Let us look at the data. For 25 years I've been conducting clinical interviews with members of the adoption community as part of my research at the university. In only one instance have I ever encountered a birth parent who felt that her life had been ruined by exposure. There were some who were unhappy about having to deal with the past, but the overwhelming majority were simply relieved that they now had the opportunity to deal with the wound of loss.

This is not an easy thing to do, but rarely are important tasks easy to accomplish. We should remember that there is no reported crisis of upheaval in the lives of birth parents in those jurisdictions where the files have been opened. This is the evidence that we must use to make decisions about social policy and adoption.

What is the price of not opening the records? The research indicates that adoptees appear in mental health facilities at a higher rate than would be expected given their numbers in the population. From the clinical profiles presented, it is clear that issues of identity are at the heart of many of the difficulties that adoptees experience. Not opening records comes with a high price, both psychological and financial. At a time of restraint, I would think you would be looking for ways to eliminate the conditions that create the need for such expensive services. Opening records will do much to rectify the situation.

In 1993, Kerry Daly and I published a paper reviewing the literature on birth parents' reactions to openness. What we found was that there was a direct relationship. The more open the adoption, the more birth parents found adaptive means of responding to the placement. However, with time, birth parents do not get over the fact of placement. It remains as a major loss in their lives. Opening records will go some way to healing that wound. For those of you who are thinking about voting against this bill, I would ask you to recognize that every rejection of bills to open adoption records is a major retraumatizing of birth parents. Life does not just go on; loss is renewed, and those who reject opening the records must be aware of the consequences of their actions.

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Finally, I would remind the committee of the tremendous medical cost of keeping people from knowing their origins. You heard evidence on Monday of the effects of a closed system on the health and well-being of several generations beyond the placement. This is an unacceptable cost of closed records. Every citizen of Ontario deserves equal medical care, regardless of the circumstances of their birth and upbringing. With restricted access to information, we put the health of adoptees, birth parents and their extended families at risk. It is not enough to say that access to the medical records at the time of birth will cover this issue. Genetic diseases often do not appear until later in life. Adults must have a complete, up-to-date medical history.

I have a number of recommendations, but I will limit them to two in the interests of time.

I think we must allow adoptive parents to seek identifying information when their adopted children are still minors. If the parents believe that it is in the best interests of their children to have identifying information about genetic origins and social and medical history, then they should be allowed access to this information before the adoptee is an adult. After the adoptee is an adult, that decision should be exclusively in the hands of the adoptee. Also, given the importance of having a complete medical history, we should make it mandatory for all those filing a contact veto to accompany it with a complete medical history.

In conclusion, I would once again stress that the decision to open the records is one that finds strong support in the research on adoption. To reject it on emotional grounds is not the way to go about developing

strong social policy. The research speaks for itself. Please join with the Adoption Council of Ontario, whose board of directors has unanimously supported Bill 77. We urge you to do the same. Thank you.

The Chair: We have time for a quick round of questioning. This time the turn would normally go to government, if you have any questions.

Mr Norm Miller (Parry Sound-Muskoka): Thank you for your presentation today. On your suggestions about allowing adopted children younger than 18 to have access to their records, how would you suggest that would work?

Dr Grand: Given that below the age of 18, the individual is still technically a child, that right, I think, belongs to the adoptive parents, because they have the responsibility for raising that child and doing what they feel is in the best interests of that child.

We had a case yesterday presented to us by Patricia Fenton, who described the very example of what I've described. She felt it was in the best interests of her child to know her origins, and so went about making contact between the birth family and the adoptive family. I think we should leave this open, but at the discretion of the adoptive family, until the age of 18. After that, it is an exclusive right and responsibility of adoptees.

Ms Marilyn Mushinski (Scarborough Centre): I just have one question. A very good friend of mine adopted, I guess about 16 years ago now. It was a completely open adoption. If I recall correctly, the adoption occurred through the Children's Aid Society of Toronto. It was my understanding that medical records went with the adoption. Is that a standard practice today?

Dr Grand: We had an example on Monday in which records definitely did not go with the adoption, causing great harm to the adoptee and her subsequent family. So one can never make that assumption.

The second issue is that if records are revealed under the non-identifying information, those are records that will be 18 years old or more. For many, it's important to know what's going on now, because many of these genetic diseases do not appear when one is young but when one grows older. As a consequence, without an updated record, you're always remaining vulnerable, and that vulnerability goes beyond one generation.

Ms Mushinski: Just one more quick question. The Ontario Association of Children's Aid Societies did recommend some amendments, I guess primarily to do with disclosure. Were you here when they gave that submission? Do you have any opinion with respect to their recommendations?

Dr Grand: Well, their strongest point had to do with raising the penalties around breaking a contact veto. I think all of the evidence points to the fact that I don't care if you make it a \$100,000 veto, it's not going to be broken. The evidence is that it isn't being broken.

England has been open since 1976. Adoptees walk down to the registry and get their original names and the names of their birth parents, and there's no crisis. So if this committee feels that it will make them feel better to

increase the fine to serve other political needs, OK, if that will help the bill pass. But truth be told, it's not necessary, simply because people are not breaking the veto.

We contacted each and every one of the constituencies I mentioned—British Columbia, England, New South Wales and New Zealand—and said, “Are you having trouble?” Each and every one of them said, “We have no documented court cases on our books. It's not happening.” So no matter what you do with that veto, it's not going to come into play.

Ms Rowney gave a good example of that this afternoon. There are enough issues around loss and rejection to make sure that people respect boundaries. There may be the odd case, but you're not going to say, “Give up all driver's licences because somebody's going to have an accident.” We don't have evidence of that accident happening yet.

The Chair: Thank you for coming before us this afternoon. We appreciate it.

CANADIAN COUNCIL OF BIRTHMOTHERS

The Chair: Our final presentation this afternoon will be from the Canadian Council of Birthmothers. Good afternoon and welcome to the committee. Just a reminder that we have 15 minutes for your presentation this afternoon.

Ms Karen Lynn: My name is Karen Lynn. I'm the president of the Canadian Council of Birthmothers. I'm here with my son, with whom I've been reunited for close to three years.

When I was 18 years old, in 1962, fresh out of high school, I went to visit and register at the college of my choice at the University of Toronto, Victoria College. I was standing outside the front doors of the beautiful old 19th-century building, all covered with ivy, including the ornate stone arch above the doors. A middle-aged man approached me and said, “My name is Moore. I work around here and I want to welcome you. You see the ivy up there covering the arch? Underneath the ivy is written in the stone, ‘The truth shall make you free.’ I intend to have the ivy removed from the words.” It turned out that this was the president of the college, to whom I am perpetually grateful for telling me about the truth. These words are carved in my soul now and I often think of them. All of my efforts to bring truth to adoption are informed by them.

Five years ago we couldn't have imagined this. Since our inception in January 2000, the Canadian Council of Birthmothers has grown to about 200 members. With the help of the Internet, we are growing rapidly. If Bill 77 is turned down, when we meet again, there will be hundreds of us.

For all these years, women who lost their children to adoption have been denied a voice. When adoption started in Canada in 1927, we were not consulted then, and until this hearing, we have not been consulted as a national group. I thank you and acknowledge this oppor-

tunity. Today I will speak from, and for, our own viewpoint.

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Thirty-eight years ago today, I gave birth to my first child in Toronto General Hospital. I had loved him from the moment I knew I was carrying him. I didn't want to lose him, but being a single, unsupported teenager and believing that he would be better off with a father, I signed the dreaded consent. For the crime of having a child out of wedlock, I was not allowed to hold him. Instead, I was confined to watching him behind the glass of a nursery wall. I offered to breast-feed him but was denied. I stood for hours staring at his precious little face until one day I noticed a note on his bassinette which read, “Mother does not want to see baby.” In one moment, I lost it. Crying my dissent to the nursing staff, I told them that I wouldn't surrender him unless they brought him to me. They hastily brought my precious little bundle to me and we spent one hour together as I fed him, changed him and held him in the natural way that all mothers know instinctively how to do. Then he was gone. Two and a half years later, I married his father.

In past decades, numerous pregnant women, most in their teens to mid-twenties, were unsupported, vulnerable and powerless. They were expected to surrender their newborns to adoption. The terms and methods used to extract that expectation over time have ranged from overt familial, systemic and social condemnation to covert methods extolling mothers' self-sacrifice to provide a better life for their newborns through adoption.

At the time of surrender, many of those young mothers were regarded as adult enough to make a legally binding decision without independent counsel, legal or otherwise; with little or no choice and few, if any, options provided; and without adequate information about, or the life experience to comprehend, the lifelong ramifications of adoption and closed records for themselves and their babies.

Open access to records for first mothers will help many to heal and to process their frozen trauma, grief and loss. It will allow them—us—to reclaim control over our right to choice, which for many was taken away in the circumstances of surrender. Many survivors of rape also want to know of their adult children, to be able to heal from the trauma of rape as well as the additional trauma of surrender.

Open records bias toward successful reunions by taking first mothers out of the shadows and allowing them to stand up for their right to know their now-adult children. Putting first mothers in the subordinate position of being contacted and shocked biases against reunions.

True honesty, respect for all parties and transparency in adoption is the acknowledgement and recognition of both mothers for the adopted person. Reunion is an intensely private matter. We respect adoptive families and wish to bring them no harm or embarrassment in reunion with our children.

In this hearing, we have already heard suggestions that adoptees who had been abused by their birth parents

might be re-abused if the original parents have access to their identities. Last February, I telephoned Nina Miller, a senior researcher with the adoption reunion registry in British Columbia, to ask her if this was their experience, if they had ever encountered a case of a birth parent seeking out his or her child to revisit abuse on an adoptee, now an adult. She responded that in 10 years of facilitating reunions with the ministry, she hasn't had a problem with this.

Nina recalls one reunion that had involved incest with a child who was later adopted. The adoptee was counselled and chose reunion, and the reunion went very well. She said, "Such a painful history is not as damaging as the secrecy of adoption." Ms Miller noted that people don't have to go into reunion without counselling. She said, "If records are open, people will go into reunions with eyes wide open. When people have to search in secret, that's when they encounter difficulties in reunion," and, "Abused children were mostly about three years old when they were apprehended and often not adopted. The vast majority of people were adopted as babies." There is no evidence from anywhere that this is a problem.

All progressive adoptive parents throughout the western world are joining us in the demand for open records. They are doing this with the profound understanding that adoption really is about the best interests of the child. Because they love their children, they want them to have the basic human right to knowledge of their origins. They are willing to accept the concept that an adopted person has two sets of parents.

The promise of confidentiality to birth mothers has been used as the reason for withholding personal adoption records from those they affect the most: first mothers and their children surrendered for adoption. The original intent may have been to keep the personal records of birth parents, the child and adoptive parents private from those whose interests they did not serve. This is all that we want now. Bill 77 proposes to release private information only to adopted people and their birth relatives.

Our survey of membership, Canada-wide, has not produced one first mother who was promised confidentiality, either verbally or in writing. First mothers who have asked for the documents they signed at the time of surrender say they do not have any reference to confidentiality. Please look at my own consent to adoption, which I signed in 1963, and the other signed by a mother in 1983. Both are attached to the document I gave you. You will see no reference to confidentiality or privacy on either.

The myth of promised confidentiality has been unchallenged and allowed to stand because of the silence of the majority of first mothers. The silence of the majority is not the confirmation of a promise but more likely a direct effect of the trauma, stigma, marginalization and victimization, as well as the unresolved grief and loss attached to adoption for many of us.

Confidentiality has ensured that many first mothers are silenced. It perpetuates the construction of unmarried pregnancy as a shame for the mother. This confidentiality is thus a part of the continuing punishment and price paid by first mothers. It is not a reward for losing their babies. It is dehumanizing to label all first mothers as wanting protection from their own children.

We were not promised confidentiality. This is a prevalent myth that seems to have been yoked to adoption to ensure secrecy. It was not designed by us. We signed the consent-to-adoption form in which we surrendered our parental rights—that's all. We got nothing in return. In the absence of any such proof of promise of confidentiality, it is only a matter of personal perception as to whether or not that confidentiality was implied and whether or not any number of mothers still living today are hoping to remain anonymous. Courts in several states in the US have ruled that this confidentiality did not and does not exist.

However, many first mothers were promised that we could go on with our lives and it would be as if we had never been pregnant, but that isn't true either. You can't promise what you can't make sure of, and the social work profession never followed up on this promise.

There have always been some records opened by judges, for whatever they considered good cause. And, of course, the records of children relinquished but never adopted were never sealed—not that the mother was ever notified of this. So there may be cases where the mothers may have thought they were promised confidentiality, but they weren't going to get it anyway.

Many of us have our surnames printed on the adoption order. This is not confidentiality. Adoptees frequently contact their birth mothers through private searches, without government assistance. This is not confidentiality. Thousands of birth mothers' names are published in newspapers, in e-mails, on Web sites and on registries. This is not confidentiality.

Enabling the few birth mothers who may want privacy punishes those of us who don't want it. This practice keeps us all in secrecy and shame, and perpetuates the damage to us, making it impossible to heal from our long-term disenfranchised grief.

The stalking and harassment laws are available to any person in our society who wishes to be left alone. First mothers can use these to avoid contact from their children or their children's father if they feel uncomfortable, just as any other person in society can.

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Fewer than 4% of those who could ask for a veto in BC actually opted for the veto. Many vetoes are left to lapse without being reactivated, as people get used to the idea of open records and contact. In New Zealand, after 10 years, the renewed vetoes dwindled to almost none. There are no reports of birth mothers' rights being violated in BC—the much feared "knock on the door"—none at all. Other governments which have opened up records recognize that there may be some birth mothers who want their privacy, but they weighed the concerns of

these few against the rights of all adoptees and decided that the adopters' needs were greater.

Secrecy damages adoptees, both physically, when they are unable to obtain current valuable medical information, and psychologically, when they are subject to feelings of abandonment and loss.

A word about democracy: a country's legislation is supposed to express the will of the majority of its citizens. Therefore, nobody should enact or oppose a piece of legislation in order to cater to the special interests of a small minority when clearly the majority is against or in favour of this piece of legislation. Any concerns about the rights of the dissenting minority can be addressed, as Bill 77 has done with the no-contact notice, by adding to the law a provision that will do that without abrogating the rights of the majority.

Some people assume that there is a significant percentage of first mothers who want privacy with absolutely no evidence. Who are these women and where are they anyway? Are they an urban myth? Where is the evidence? All of our experience in the adoption community has shown us that the overwhelming majority of birth families welcome contact from their relatives who had been adopted. This includes first mothers. This runs contrary to the assumption that some first mothers want privacy. Will this issue be decided by assumption or fact?

I thank you again for this opportunity.

The Chair: Thank you very much for taking the time to come before us today. It's gone slightly over but that's the advantage of handing out your text. We saw where you were heading. I appreciate you taking the time.

Let me say to all the groups and all the witnesses who have come before us in the last two days of committee hearings that we very much appreciate the views. We know it's sometimes a very painful experience. It's tough enough to appear before legislative committees at the best of times, and on a subject like this, I'm sure doubly so. Your input will allow the minister and the members the opportunity to reflect and offer potential amendments.

Mr Dave Levac (Brant): A comment, Mr Chairman?

The Chair: Certainly.

Mr Levac: I wanted to thank you for your presentation. It was my first opportunity to speak, so I'd like to tell all of the presenters that it was extremely difficult for you in some circumstances; for others, a duty; and for others still, an opportunity to express personal situations.

I want to go on record as saying to the member from the NDP, Ms Churley, congratulations on what I perceive to be and know to be a very personal issue, along with your fight to continue to help people in their need as well. I think it's important for the presenters, in some cases, to say to you that this wasn't a politically correct thing to do, it was a people correct thing to do.

Those who have asked questions at the committee level that may have sounded to be against were basically,

at the committee level, an important aspect. Certain questions needed to be asked in order to clarify. I would suggest to you that anyone asking questions, at any party level, doesn't necessarily reflect trying to be politically correct or against in any way, shape or form.

On a personal note, I will indicate to you my total support for this bill.

Mrs Dombrowsky: With regard to the presentation made by Dr Grand, I was wondering if he would have a printed copy of his presentation. I know it will be in Hansard but it would be helpful if we had a more readable version.

The Chair: I can respond to that. The clerk has been promised a submission from Dr Grand tomorrow, and he will circulate it to all the committee members.

Dr Grand: As an academic, I found a grammatical error and I'm very uncomfortable with it.

The Chair: Ms Churley, do you wish to make a brief comment?

Ms Churley: Of course, we could all ask how much your book cost.

I want to take this opportunity to thank all of you and those who came down yesterday to give presentations. They were excellent presentations. No matter how you feel about this issue, I think we all learned so much from all of you.

I also want to thank the members of the committee. I have sat on a lot of committees for some time and I don't think I've ever seen a committee with members all around the table so attentive, so wrapped up and so willing to listen and learn.

I just want to let people know the next stage here. I hope all of us come out of this committee as advocates now. I've been working with the Minister of Community and Social Services. We have not set a date for the last day of what we call clause-by-clause, to go through the bill and come up with whatever recommendations. We are going to have to go through that process. I'll be working with both parties, particularly with the government that holds the reins of power here.

I do want to tell people that there is tremendous support within all three parties—there was, as you know, with all the other failed attempts—and I find that support growing. I think this is one area where we can work together in a non-partisan way. That is what we're all going to strive for as a result of these hearings. We don't want to let you down again, and I do thank you for your participation.

The Chair: Thank you, Ms Churley. We appreciate it.

Recognizing we have the motion of the House that has tentatively established, based on submissions, that we will probably next be convening in Windsor next Tuesday, I will say that the committee stands adjourned until then or until the call of the Chair.

The committee adjourned at 1757.

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