

Man's efforts to find birth parents leads to legislation that eases access to adoption records

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By Sophie Cocke June 19, 2016

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“You get this connection and you can finally fill in all the empty things that you couldn’t answer. How did I get my eyes? How did I get my hair? Why am I this height?”

Jeffery Guillemette

The 64-year-old Florida man, pictured above, was finally successful in his search for his biological parents. At right is a picture of his birth mother, Agnes Sugimoto, who died in 2007.

Jeffery Guillemette stood in Punchbowl cemetery earlier this month in what marked a reunion of sorts with his deceased mother, who 64 years ago had given him up for adoption shortly after giving birth to him at the Kapiolani Maternity and Gynecological Hospital.

He had been searching for his biological parents for about two decades, but because of obstacles in Hawaii law relating to the release of adoption records and original birth certificates, it wasn’t until after she had died that he discovered her identity.

In the 1990s, Guillemette tried to gain access to his adoption records, but said the costs were prohibitive and risky. He said he would have had to pay the costs of a flight from Florida, where he was raised by his adoptive parents, to Hawaii to sign legal documents, then pay the state \$600 for an investigator to look into the circumstances surrounding his birth.

If it turned out that either parent had asked that the information be kept confidential, the state could continue to shield that parent's identity and related adoption records.

"It was just too staggering of an amount of money for us to do that," Guillemette said, noting that after paying hundreds of dollars he may not have ended up with any information.

Restrictions on the release of adoption records could be eliminated for thousands of people who were adopted in Hawaii, however, if a bill that passed the Legislature this year is signed into law by Gov. David Ige.

Currently in Hawaii, biological parents can sign confidentiality affidavits to keep the court records sealed during their lifetime. If Ige signs House Bill 2082 into law, Hawaii would join a growing number of states that are giving adoptees who are at least 18 years old unfettered access to birth records.

"You shouldn't have to wait until your mother or your father dies before you can get this information," said Guillemette. "If you turn 18 and you want to know, you should be able to go down to the courthouse and ask for your records."

Jodi Leong, a spokeswoman for the governor, said the bill is undergoing legal and policy reviews and that Ige should make a decision on the measure in the next couple of weeks.

Guillemette tried other channels to track down his biological parents after deciding in the 1990s not to go through with the Hawaii procedures for trying to access his records.

He had been told by his adoptive parents that this birth name was James Naka. He and his wife, Patty, began a laborious search for Hawaii residents with the last name Naka, but the effort failed to turn up his birth parents. Guillemette says while that name is listed on a 1951 adoption record, he now thinks it may have been made up, perhaps by the adoption agency.

Three years ago, Guillemette and his wife began contacting Hawaii lawmakers for help. Sen. Mike Gabbard (D, Kapolei-Makakilo) responded and said he would introduce a bill to change Hawaii's law relating to adoption records. Bills he introduced in 2014 and 2015 failed, however. In 2014, then-Hawaii Attorney General David Louie raised concerns that opening up the records to adoptees could violate birth parents' constitutional right to privacy. The measure introduced in 2015 never made it out of the Senate.

This year, the legislation unanimously passed the Legislature and written testimony on the bill was overwhelmingly supportive.

In the past decade and a half, about 15 states have eased laws relating to the release of birth records, said Adam Pertman, president of the National Center on Adoption and Permanency, a nonprofit that advocates for best practices in adoption, foster care and child welfare.

Most of these states have allowed adult adoptees open access to their original birth certificates, which includes the names of birth parents. Pertman said Hawaii's law goes further in allowing access to both the unamended birth certificate and adoption records.

Hawaii "is in the minority, going further than most states, but clearly part of the bigger trend," he said.

In other states, local chapters of the American Civil Liberties Union opposed similar bills, citing concerns about the privacy of birth parents. Catholic groups have also raised concerns that mothers would be more apt to have an

abortion if they aren't given the option of ensuring that birth records are sealed.

However, local and national adoption groups, including Adoption Circle of Hawaii, have argued that states began sealing the records in the mid-20th century not to protect the privacy of the birth mother. Rather, the restrictions had more to do with old stigmas relating to "illegitimacy" and preventing birth mothers from trying to see their children again.

"They were sealed for almost exactly the opposite reason — to explicitly keep the birth mother from coming to interfere with the adopted family," said Pertman. "So this notion that it was to protect the (birth mothers) is just baseless."

Adoption practices have changed radically in recent years, Pertman noted.

"It was all secrecy back then. In the 1950s, there were virtually zero open adoptions ... it was an entirely different world," he said, noting that now more than 90 percent of adoptions are open, meaning that there is usually a relationship between the parties to the adoption.

Pertman said even in cases where trauma surrounded the birth, such as in cases of rape, birth mothers often still want to know what happened to their child.

In regard to Guillemette's mother, he said, "it's reasonable to assume that she wondered every day of her life what happened to this baby."

After the first bill died in the Legislature, Guillemette decided to take a chance and pay the state \$600 to investigate his birth records.

Last year, an investigator found that his mother had never signed documents asking that the information be sealed from her son; she died in 2007 after suffering a stroke. His father is believed to have died in 1967. Because his parents were both deceased, the state released his adoption and birth records.

His mother's name was Agnes Sugimoto. Born in Hawaii to Japanese immigrant parents, she became pregnant while working in Okinawa as a telephone operator. Records indicate that his father's name was Charles Jessie from West Virginia who was of German descent. He was stationed in Okinawa as a U.S. Army staff sergeant.

Sugimoto returned to Hawaii where she gave birth to her son. It was 1951 and being an unwed mother was frowned upon. Guillemette's birth certificate includes a box with the question, "Legitimate?" and the typed response, "No."

Notes in Guillemette's adoption records provide some insight into the circumstances surrounding his birth. They indicate that his mother had hoped Jessie would marry her and apparently held out hope for some time during the pregnancy.

Notes also indicate that his adoptive parents, who are now deceased, were particularly interested in adopting him because he looked white.

"One of the reasons my adoption family adopted me was because I didn't look Asian," Guillemette said. "They were hoping that my 'Oriental' blood wouldn't come out — they actually put that in there."

"That was one of the big selling points," he said with a laugh.

Guillemette said he knew he was adopted from as long as he can remember. "It's an odd feeling to not know who you really are and who your family really is," he said. "You just always are very unsettled."

Not knowing the circumstances of his birth always made him question why he was given up for adoption.

"I'm an internal person, so I internalized it and I thought, was it something about me? Was there something wrong

with me? Did I do something that made her not want ...” said Guillemette, trailing off. “So you always have in the back of your mind that your mother didn’t want you and you don’t know why and it’s haunting.”

He’s since been able to track down members of his mother’s family. She eventually married and had another son 13 years later, whom she also named Jeffery . Neither his half-brother nor Sugimoto’s husband had known of his existence until he contacted them.

During a trip to Hawaii this month, he and his wife met both of them, as well as a childhood friend of his mother’s who is believed to be the only surviving person who knew that Sugimoto had given a son up for adoption. She was working in Okinawa with his mother when she became pregnant.

The reunion allowed him to see photographs of his mother for the first time.

“You get this connection and you can finally fill in all the empty things that you couldn’t answer,” Guillemette said. “How did I get my eyes? How did I get my hair? Why am I this height?”

The family also took him to see his mother’s grave at Punchbowl, recounted Patty: “His stepfather said a prayer and he put a hand on her stone and said, ‘OK Agnes, I have your son now. It’s OK.’”