

HOUSE BILL REPORT

HB 2810

As Reported By House Committee On:

Children & Family Services

Title: An act relating to disclosure of adoption information.

Brief Description: Authorizing disclosure of an adopted person's original birth certificate upon request by the adopted person.

Sponsors: Representatives Cooke, Boldt, Ballasiotes, Reams, Wensman, Smith, Kastama, Mitchell, D. Schmidt, McCune, Wolfe, Backlund and Tokuda.

Brief History:

Committee Activity:

Children & Family Services: 1/29/98, 2/3/98 [DPS].

HOUSE COMMITTEE ON CHILDREN & FAMILY SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Cooke, Chairman; Boldt, Vice Chairman; Kastama, Assistant Ranking Minority Member; Ballasiotes; Carrell; Dickerson; Gombosky; McDonald and Wolfe.

Minority Report: Do not pass. Signed by 2 members: Representatives Bush, Vice Chairman; and Tokuda, Ranking Minority Member.

Staff: Douglas Ruth (786-7134).

Background: Adoption records held by the Department of Social and Health Services, adoption agencies, and the courts are confidential. Non-identifying information may be disclosed if an adoptive parent, adoptee, or the birth parent requests the information in writing. An adoptee over the age of 18 whose adoption was finalized after October 1, 1993, will receive an original birth certificate from the Department of Health unless the birth parent filed an affidavit of non-disclosure.

Summary of Substitute Bill: Non-identifying information will be disclosed if an adoptive parent, adoptee, or the birth parent requests the information in writing. An adoptee over the age of 18 requesting an original birth certificate will receive a copy from the Department of Health.

Substitute Bill Compared to Original Bill: The original bill also allowed the adoptive parent of an adopted child to obtain a copy of the adopted child's birth certificate.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Birth certificates provide adoptees with part of their history. They are not very useful in searches for birth parents, however. There are presently much more helpful resources available to adoptees for discovering the identity of their birth parents. Disclosing adoptee birth certificates will not lead to harassment of birth parents by adoptees. If adoptees do identify their birth parents through a birth certificate and the birth parent does not want to be contacted, current laws provide sufficient harassment protection (e.g. restraining orders). Adoptees who cannot accept that a birth parent does not want contact are the exception, not the rule. Allowing disclosure of birth certificates does not alter the confidential intermediary process. The concern that birth certificates sometimes contain a name other than the name of the real birth father is not a legitimate concern. This is true of all birth certificates. Birth parents were told at the time of adoption that their child could contact them after they turned 18. Few were promised confidentiality. Where confidentiality was promised, it was a business decision by the adoption agency. It is now improper for the government to involve itself in supporting that business decision. A federal appellate court has determined that the constitution's right to privacy does not apply to adoption information.

Testimony Against: At the time of many adoptions, the parties to the adoption were told that the adoptee's records would remain confidential. Permitting the disclosure of those records now breaches this assurance. If adoptees or birth parents desire to identify the other, they may do so through the present confidential intermediary process. Not all birth certificates accurately list the birth father's name, while in court files if paternity is noted it has been proven.

Testified: Julie Dennis, Washington State Open '98 (pro); Terry Leber, Washington State Open '98 (pro); Shea Grimm, Washington State Open '98 (pro); and Debbie Wilke, Washington Association of County Officials for County Clerks (con).