
SENATE BILL 5216

State of Washington

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By Senators Sheldon, McAuliffe, Loveland, Fairley, Spanel, Thibaudeau and Kohl

Read first time 01/20/97. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to adoption; and amending RCW 26.33.343, 26.33.350,
2 and 26.33.380.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.33.343 and 1996 c 243 s 4 are each amended to read
5 as follows:

6 (1) An adopted person over the age of twenty-one years, or under
7 twenty-one with the permission of the adoptive parent, or a birth
8 parent or member of the birth parent's family after the adoptee has
9 reached the age of twenty-one may petition the court to appoint a
10 confidential intermediary. A petition under this section shall state
11 whether a certified statement is on file with the department of health
12 as provided for in RCW 26.33.347 and shall also state the intent of the
13 adoptee as set forth in any such statement. The intermediary shall
14 search for and discreetly contact the birth parent or adopted person,
15 or if they are not alive or cannot be located within one year, the
16 intermediary may attempt to locate members of the birth parent or
17 adopted person's family. These family members shall be limited to the
18 natural grandparents of the adult adoptee, a brother or sister of a
19 natural parent, or the child of a natural parent. The court, for good

1 cause shown, may allow a relative more distant in degree to petition
2 for disclosure.

3 (2)(a) Confidential intermediaries appointed under this section
4 shall complete training provided by a licensed adoption service or
5 another court-approved entity and file an oath of confidentiality and
6 a certificate of completion of training with the superior court of
7 every county in which they serve as intermediaries. The court may
8 dismiss an intermediary if the intermediary engages in conduct which
9 violates professional or ethical standards.

10 (b) The confidential intermediary shall sign a statement of
11 confidentiality substantially as follows:

12 I,, signing under penalty of contempt of court, state:
13 "As a condition of appointment as a confidential intermediary, I affirm
14 that, when adoption records are opened to me:

15 I will not disclose to the petitioner, directly or indirectly, any
16 identifying information in the records without further order from the
17 court.

18 I will conduct a diligent search for the person being sought and
19 make a discreet and confidential inquiry as to whether or not that
20 person will consent to being put in contact with the petitioner or
21 whether or not that person will consent to provide nonidentifying
22 information, and I will report back to the court the results of my
23 search and inquiry.

24 If the person sought consents to be put in contact with the
25 petitioner or consents to provide nonidentifying information, I will
26 attempt to obtain a dated, written consent from the person, and attach
27 the original of the consent to my report to the court. If the person
28 sought does not consent to the disclosure of his or her identity or to
29 the disclosure of nonidentifying information, I shall report the
30 refusal of consent to the court.

31 I will not make any charge or accept any compensation for my
32 services except as approved by the court, or as reimbursement from the
33 petitioner for actual expenses incurred in conducting the search.
34 These expenses will be listed in my report to the court.

35 I recognize that unauthorized release of confidential information
36 may subject me to civil liability under state law, and subjects me to
37 being found in contempt of court."

38 /s/ _____ date _____

1 (c) The confidential intermediary shall be entitled to
2 reimbursement from the petitioner for actual expenses in conducting the
3 search. The court may authorize a reasonable fee in addition to these
4 expenses.

5 (3) If the confidential intermediary is unable to locate the person
6 being sought within one year, the confidential intermediary shall make
7 a recommendation to the court as to whether or not a further search is
8 warranted, and the reasons for this recommendation.

9 (4) In the case of a petition filed on behalf of a natural parent
10 or other blood relative of the adoptee, written consent of any living
11 adoptive parent shall be obtained prior to contact with the adoptee if
12 the adoptee:

13 (a) Is less than twenty-five years of age and is residing with the
14 adoptive parent; or

15 (b) Is less than twenty-five years of age and is a dependent of the
16 adoptive parent.

17 (5) If the confidential intermediary locates the person being
18 sought, a discreet and confidential inquiry shall be made as to whether
19 or not that person will consent to having his or her present identity
20 disclosed to the petitioner or whether or not that person will consent
21 to provide nonidentifying information. The identity of the petitioner
22 shall not be disclosed to the party being sought. If the party being
23 sought consents to the disclosure of his or her identity or consents to
24 provide nonidentifying information, the confidential intermediary shall
25 obtain the consent in writing and shall include the original of the
26 consent in the report filed with the court. If the party being sought
27 refuses disclosure of his or her identity or refuses disclosure of
28 nonidentifying information, the confidential intermediary shall report
29 the refusal to the court and shall refrain from further and subsequent
30 inquiry without judicial approval.

31 (6)(a) If the confidential intermediary obtains from the person
32 being sought written consent for disclosure of his or her identity to
33 the petitioner, the court may then order that the name and other
34 identifying information of that person be released to the petitioner.

35 If the confidential intermediary obtains from the person being
36 sought written consent for disclosure of only nonidentifying
37 information to the petitioner, the court may then order that the
38 nonidentifying information be released to the petitioner. Any record

1 of consent regarding the release of nonidentifying information only
2 shall be sealed as provided in RCW 26.33.330.

3 (b) If the person being sought is deceased, the court may order
4 disclosure of the identity of the deceased to the petitioner.

5 (c) If the confidential intermediary is unable to contact the
6 person being sought within one year, the court may order that the
7 search be continued for a specified time or be terminated.

8 **Sec. 2.** RCW 26.33.350 and 1994 c 170 s 1 are each amended to read
9 as follows:

10 (1) Every person, firm, society, association, corporation, or state
11 agency receiving, securing a home for, or otherwise caring for a minor
12 child shall transmit to the prospective adopting parent prior to
13 placement and shall make available to all persons with whom a child has
14 been placed by adoption a complete medical report containing all known
15 and available information concerning the mental, physical, and sensory
16 handicaps of the child.

17 (2) The report shall not reveal the identity of the birth parent of
18 the child except as authorized under this chapter but shall include any
19 known or available medical and genetic history of the birth parent,
20 including any mental or physical health history of the birth parent
21 that needs to be known by the adoptive parent to facilitate proper
22 health care for the child or that will assist the adoptive parent in
23 maximizing the developmental potential of the child.

24 (3) Where known or available, the information provided shall
25 include:

26 (a) A review of the birth family's and the child's previous medical
27 history, including the child's x-rays, examinations, hospitalizations,
28 and immunizations. After July 1, 1992, medical histories shall be
29 given on a standardized reporting form developed by the department;

30 (b) A physical exam of the child by a licensed physician with
31 appropriate laboratory tests and x-rays;

32 (c) A referral to a specialist if indicated; and

33 (d) A written copy of the evaluation with recommendations to the
34 adoptive family receiving the report.

35 (4) Entities and persons obligated to provide records and
36 information under this section shall make reasonable efforts to locate
37 the records and information (~~concerning the child's mental, physical,~~
38 ~~and sensory handicaps~~). The entities or persons providing the records

1 and information have no duty, beyond providing the records and
2 information, to explain or interpret the records or information
3 regarding the child's present or future health.

4 **Sec. 3.** RCW 26.33.380 and 1994 c 170 s 2 are each amended to read
5 as follows:

6 (1) Every person, firm, society, association, corporation, or state
7 agency receiving, securing a home for, or otherwise caring for a minor
8 child shall transmit to the prospective adopting parent prior to
9 placement and shall make available to all persons with whom a child has
10 been placed by adoption, a family background and child and family
11 social history report, which includes a chronological history of the
12 circumstances surrounding the adoptive placement and any available
13 psychiatric reports, psychological reports, court reports pertaining to
14 dependency or custody, or school reports. Such reports or information
15 shall not reveal the identity of the birth parents of the child but
16 shall contain reasonably available nonidentifying information.

17 (2) Entities and persons obligated to provide records and
18 information under this section shall make reasonable efforts to locate
19 the records and information (~~(concerning the child's family background~~
20 ~~and social history)~~). The entities or persons providing the records
21 and information have no duty, beyond providing the records and
22 information, to explain or interpret the records or information
23 regarding the child's mental or physical health.

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